Nations and Nationalism in a Cosmopolitanized World

Some Lessons from Ulrich Beck's Work

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A ti,
si quieres,
y siempre que quieras.
Como no podía ser de otra manera.

Eskerrak / Agraïments / Agradecimientos / Gratitudes

Eskerrikasko Julen, bidai luze hau Iruñara egin genituen bidaietako hainbat eta hainbat elkarrizketatan hasi zelako, eta zure alboan inoiz amaituko ez delako.
Eskerrikasko Bego elur, ekaitz hala dena delakoak datozenak datozela zure babesa izango dudala erakusteaz gain, inoiz kemena eta nigan konfidantza gal ez dezadan erakusteagatik
Eskerrikasko Mikel munduan inork inoiz ez nauelako era hain zuzenean estimatuko. Espero ez sekula zalantzarik edukitzea aldebiko sentimendua dela.
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Abstract

This thesis consists of a thorough analysis and subsequent critical review of Ulrich Beck's cosmopolitan proposal. I basically challenge his three main normative assumptions: national secularism, community of risk and cosmopolitan empire. I do so by critically addressing his understanding of nations and nationalism from the perspective of the literature on minority nations. My approach offers a nuanced moral, political and legal understanding of Beck's cosmopolitan view. That is to say, the analytical review aims to highlight both the aspects of his proposal which I consider valuable as well as the aspects that need to be nuanced or criticised in order to strengthen his cosmopolitan account. The contribution of the thesis is to merge the normative cosmopolitan debates with the more accurate understanding of nations and nationalism offered by the literature on minority nations. In addition, it strengthens key aspects of Ulrich Beck's proposal. The thesis addresses the interaction between the European Court of Human Rights and the United Kingdom as a case study to prove the extent to which Beck's cosmopolitan proposal offers a valid theoretical frame to address transnational challenges such as Human Rights protection.

Laburpena

Doctoretza tesi honetan Ulrich Beck pentsalariaren proposamen kosmopolitaren analisi sakon eta horri dagokion azterketa kritikoa jorratu ditut. Laburbilduz, bere hiru oinarri normatiboak eztabaidatzen ditut: sekularismo nazionala, arrisku komunitatea eta inperio kosmopolita hain zuzen ere. Horretarako estatu gabeko nazioen inguruko literaturan oinarrituz bere lanean agerian geratzen den nazio eta nazionalismoaren ulerpena zalantzan jartzen ditut. Nire gerturapen kritikoak, hala, bere proposamen kosmopolitari ñabardura moral, politiko eta legalak egiten dizkio. Hau da, tesian egindako errepaso analitikoak bere azalpen kosmopolitan agerikoak diren bertuteak azpimarratzeaz gain, hura sendotze arren kritikoki argitu naiz zehaztu beharko liratekeen gabeziak nabarmentzen ditu. Tesiaren ekarpen garrantzitsuena eztabaida kosmopolita nagusiak estatu gabeko nazioen inguruko literaturak nazio eta nazionalismoaren inguruan eskaintzen dituen irakurketa sakonak bateratzea litzateke. Hortaz gain, Ulrich Beck-en proposameneko elementu zentralak sendotzea du helburu. Azkenik, tesiak Giza Eskubideen Europako Auzitegia eta Erresuma Batuaren arteko interakzioa naiz tentsioak aztertuko ditu, hain zuzen ere Beck-en proposamen kosmopolitak Giza Eskubideen babesa bezalako erronka transnazionalak bideratzeko balio ote duen frogatzeko.

INTRODUCTION: A REFLEXIVE TRIBUTE TO ULRICH BECK

On January 1st, 2015, Ulrich Beck passed away after one of the most prolific and influential intellectual careers of the late twentieth and early twenty-first centuries. Born in Slupsk, Pomeranian, Poland in 1944, his father died fighting in WWII. This event marked his life and work doubly: (1) it gave him a personal understanding of the brutality into which humankind can fall and (2) it gave him a strong consciousness of being a world citizen. Nevertheless, his family moved to Hannover when he was still a child, granting him a personal sense of malleable-belonging. However, before this feature was first reflected in his work and much before becoming a crucial element, he was focused on a much more metaphysical question that marked his career: the inquiry on reality. It was during his early Legal Theory studies when he suddenly realized that reality as such was incomprehensible. Instead, he thought, reality was something that could be accessed from the subjective experience of the self. These conundrums made him leave his studies in Law and begin his philosophical career. However, even though he maintained a strong philosophical background throughout his work, he believed that philosophy was still too far from reality. Instead of continuing his research, under the continuous guidance of Immanuel Kant's work about access to reality, Beck thought that it made much more sense to analyze the reality of his time. That is why he ended up studying Sociology and focusing his academic career on that field. However, the three knowledge strands - Legal Theory, Philosophy and Sociology - remain omnipresent in his work.

The other major event that influenced his work was the 1986 nuclear disaster in Chernobyl. This event made him realize - or confirm - that his era was facing risks that were not territorially defined (at least not in accordance with the current political rift between nation-states). He realized that although that catastrophic nuclear accident took place in this small region at the north of Ukraine (a member state of the Soviet Union at that time), its negative consequences had an impact on a much broader geographic area. That is to say, he realized that the radioactive cloud that emanated from the nuclear plant would not stop on the nation-state's borders. From this basic empirical confirmation, he unfolded a herculean attempt to explain the need for engaging global issues in their global dimension since a Ukrainian citizen would potentially suffer the consequences of the accident in a similar way than a Swedish, German or Greek citizen. In that sense, the us/them dichotomies – which ruled the socio-political reality throughout the modern period and which he considered false - appeared to have no relevance in this new scenario. That is why Beck believed that, in a sense that will be developed throughout this thesis, he was member of a broader *Us* than the one defined by the closed national attachments of early modernity.

As Professor Daniel Innerarity, one of Beck's colleagues and one of his many intellectual disciples, has stated, Beck's early death has implied the loss of one of us. He was one of us as he "nowhere felt fully safe and, simultaneously, considered that all the problems of his time were somehow his own problems"[1]. His academic engagement with the Kantian ideal of a global cosmopolitanism could be compared to his social commitment to the main issues of his time. That is why, when justifying a research and consequent review of his work, it appears so relevant to introduce elements which are internal to his work as well as to the paradigm change in which his work was

[1] Innerarity, 04/01/2015, El País (own translation)

contextualized. The external justification helps to understand the incentives of his work and the goals he pursued while the internal justification is necessary in order to focus the research inquiry within his broad work. Nevertheless, the number of topics, disciplines and proposals he developed is so huge that such research needs to delve into some specific aspect in order not to be too vague or ambitious. As follows, I develop both the internal and external justifications of the particular aspects of Beck's worked that I review and the inquiries that I address on each of the following chapters. This introduction closes with a personal justification of the chosen topic.

External justification

Why is it relevant to address sociological studies from a political philosophy standpoint? We are witnessing a huge lack of intelligibility regarding the ongoing socio-political transformations. This makes it harder to develop solid theoretical constructs or strategies to address reality. Without this apparatus that may help us understand and face those same transformations which are posing new philosophical inquiries on the debate, overcoming the new socio-political challenges becomes increasingly complicated. Therefore, the external justification of this thesis rests on three main interlinked background empirical assumptions: (1) we are in the middle of a globalization-cosmopolitanization process[2]; (2) this process has an impact on diversity, particularly on national diversity, and (3) there is a subsequent need of articulating the resulting new paradigm.

Transforming Reality

It is a commonplace, at least from a sociological standpoint, to assume that there are several major social transformations "currently taking place under the register of globalisation: the proliferation of connections between societies, the growth of power structures outside national frameworks of accountability; the proliferation of global risks (of an ecological, political, economic, epidemic, criminal and terrorist character) that have no respect for national boundaries; the increasing movement of people across national borders and the resulting heterogeneity of populations in most modern societies; growing numbers of undocumented migrants and asylum seekers; and the increasing importance of international regulatory bodies"[3]. This list could be enlarged with several recent events: the catastrophic consequences of the institutionally neglected migrant flows in the Mediterranean Sea or the central-east European borders, several cyber scandals that happened during the past years (Wikileaks, the conflicts between piracy and the entertainment industry, Snowden, the presumed interference in both EEUU and French elections, etc.), the impact of social networks both on political and media powers, the global commercialization or merchandizing of several local traditions (carried out with more or less success) or the globally interconnected demonstrations of the Occupy/Anonymous movements around the world. All of these non-exhaustive examples illustrate that we are in the middle of a change of epoch. There might be, and actually are, several debates about the main features of this change: which is its characteristic element, when did it start, where is it leading, which is its real scope and impact on human beings, etc. Nevertheless, describing a historical period accurately corresponds to future generations: the fighters of a historically decisive battle are rarely aware of the historic relevance of that same battle[4]. That is to say, the sequence of socio-political events we are dealing with leads us to recognize or restate the need to adapt our definitions to the contingent historical reality[5] in which we apply them.

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[2] Chapter 2 pins down the distinction that, according to Beck's proposal, should be done among those terms but here it is being used on its usual equivalent usage.

[3] Fine (2007) p.5

[4] Innerarity (2006) p.158

[5] *Idem* p.159

In this particular case, the main definition that I take for granted is the rationale of the nation state. That is to say, the conception of the nation-state as "*the* characteristic of the first modernity, and presumes its solidity, centrality and increasing pervasiveness"[6]. The nation-state as the main institutional arrangement should be overcome or at least reconceived in order to address the paradigm change in which we are involved. It is a controversial assumption, as it could be questioned from at least three different perspectives. First, it is not clear whether the institution of the nation-state is obsolete as such or just in need of transformation. In this sense, it might be the case that it adapts in order to keep being solid, central and pervasive as it was originally conceived. Second, it somehow implies a *euro- (or western-) centered* generalization that might not be applicable in other socio-political realms. Nevertheless, it is a common mistake to believe that paradigm changes - however we may define them - happen in a globally transversal way when they rarely occur this way. Finally, it might even be historically mistaken, as it ignores or at least relegates to secondary status many non-nation-state based institutional arrangements which were particularly relevant during the first modernity (although they might have come from pre-modern times). For instance: "eighteenth-century political revolutions, the collapse of mainland empires after the First World War, the formation of a raft of newly independent nation-states out of their fragments, the rise of totalitarian regimes with anti-national and global ambitions in the inter-war period, the collapse of overseas empires after the Second World War, a further raft of newly independent ex-colonial states and the formation of two 'camps' during the Cold War"[7].

All those examples show that the specific relevance of the nation-state, even during the First Modernity, might be questionable. However, regardless of its specific relevance, it is hardly deniable that the nation-state model assumed by the Realistic account of International Relations[8] fits the First Modernity paradigm quite well. This could be synthesized in three main fundamental assumptions: (1) the states' relevance as coherent units that constitute the dominant actors in the world order, (2) force as the main political instrument of those nation-state actors and (3) global politics as a hierarchical order of nation-states. A world order, thus, structured according to the principle of the nation-state's interests rule (an interest that is channeled through the principle of sovereignty or external self-determination). This is to say, a world order in which there is no transnational order but mere hierarchical and static inter nation-state relations. One could be argued about the existence of other relevant actors and their specific relevance, but that would be more a matter of degree than of fact. In this thesis I hold that, following Beck's proposal, Second Modernity implies a paradigm change. This does not mean we should ignore that there are thorough arguments on the institutional actors and their role in the global realm. However, those arguments are a matter of degree rather than a matter of whether there has been an actual change. This conception is applied to the First Modernity paradigm and the role of Nation-States as central actors.

I do not question Beck's diagnosis on the historical origins and role of modern institutions - mainly nation-states - and institutional arrangements - Westphalian order - in the past. I briefly present, for merely descriptive reasons, how he viewed those

[6] Fine (2007) p.10
[7] *Idem* p.11
[8] Nye, J. & Kehoane (2001)

features. But I do not problematize them by comparing his proposal with other alternative diagnosis. I assume that there has been a paradigm change in which the discussion on diagnosis and innovative theoretical approaches appears to be more necessary than ever. In particular, I focus on the withdrawal of the Westphalian order in which nation-states' absolute sovereignty was the main axis of historic events[9]: "multinational empires, totalitarian regimes, east and west power blocs, city states and transnational bodies such as the European Union"[10], all of them are based on the nation-state's sovereignty principle. This is to say, they are based on the idea of states as coherent units in which citizens' interests could be homogenized as a single unit.

Finally, paradigm change should not be analyzed merely in terms of institutional arrangement but also in terms of power. Nevertheless, modernity derived on a system in which nation-states hold the monopoly of power both internally (state substituted monarchs as the supreme authority) and externally (they become the international representation of the encompassed societies). Before both the Renaissance and the Enlightenment introduced this scope from which social and political organizations were analyzed, the Western intellectual held a closed and monopolistic view of humankind[11]. This approach was overcome in modernity when they shared "the paradigmatic experience of the Western intellectual: the discovery that other cultures are neither more rational nor more irrational than one's own and that it must be left to the individual through personal efforts to reach universal truths. Individualism and universalism joined in ever expanding experience and acquisition of knowledge. But in each case, it was the experience of other lands and cultures which was the essential imaginative resource"[12]. In the early twentieth century, German sociologist Max Weber went further by asserting that it was not a clash of rationalities but a dichotomy between rationality/irrationality, which led to the need to establish clearly set definitions of the social rationale[13]. This pretension of exclusivity over definitions was, in terms of power, the origin of the modern nation-state in its institutional form: "a particular version of the state, the nation-state, sought to create society in its own image. Thus, from a late modern perspective the state appears as primary and the social sphere to be controlled by it"[14]. Division of labor resulting from the industrialization processes, cultural homogenization in an exclusive sense and the socialization of welfare in the "context of mobilization for war"[15] settled the basic requirements for the establishment of such powerful means of organization as the nation-states. However, this way of organizing societies both internal and externally began to decline after WWII[16]. That is to say; interdependencies made the power share much more decentralized and heterogeneous, with deliberative communities of power composed by "those affected and not by its formal members"[17]. The question, therefore, should be: if modern political engagements or ties and the subsequent institutional arrangements are not prevailing anymore, how does that affect underlying national diversity? That is the second external justification for the reason

[9] Giddens (1985)

[10] Fine (2007) p.10

[11] "[Descartes] then found that other nations made as much good use of human reason as did his own and that it was custom rather than certain knowledge which grounded human opinion" Albrow (1996) p.33

[12] *Idem* p.34

[13] *Idem* p.35

[14] Albrow (1996) p.43

[15] *Idem* p.46

[16] *Idem* p.47

[17] Innerarity (2015a) p.13

why the topic I address in the thesis, channeled through Ulrich Beck's work, is so relevant.

The prevalence of diversity

The ongoing paradigm change will necessarily have to deal with an intrinsic feature of human beings: the traditional coexistence[18] of diverse linguistic, religious, ethnic, national or cultural groups. Nevertheless, these groups have a direct impact on each individual's reasoning; on their life meanings. As Professor Innerarity states[19], the platonic picture of politically active citizens who set aside their attachments and sensitivities ignores that our moral values - not the ideal reasoning - are highly influenced by our identities. Therefore, any attempt at adapting the institutional realm to the ongoing paradigm change will require addressing the issue of diversity, so far channeled through fully sovereign nation-states. It might be the case that it is considered something secondary which could be set aside or just ruled by a sort of cultural invisible hand[20]. It might also be the case that it is considered something directly or indirectly valuable that must, therefore, be protected: "Culture, with its myriad connotations, affects basic elements of human dignity, meaning that it must be dealt with on the basis of universal respect for human rights (…) The basic elements of identity, such as religion, language, membership of an ethnic or cultural group, etc., are the key factors in the development of individual and collective personalities"[21]. Or it can even be considered something that will transform on scale and scope through globalization but will remain crucial in absolute terms[22].

These different accounts of diversity will be approached and debated when addressing Beck's own account, particularly in Chapters 3 and 4. However, there are three basic assumptions that are hardly deniable: (1) the fact that diversity (in all its expressions: polyethnicity[23], cultural pluralism[24], minority nations, etc.), however it might materialize in each place, is an empirical reality of our times that is not problematic by itself[25], (2) that this has an impact on the way we organize both society and politics institutionally[26] but also (3) that it might condition individuals insofar as it might affect the "self placement of each individual and the way in which others place us"[27]. In this sense, regardless of how we may conceive of identity and its role, despite the difficulty

[18] Ruiz-Vieytez (2011) p.17

[19] Innerarity (2002) p.73

[20] Although, from a purely legalistic point of view, this should not be an option according to Article 4 of the Universal Declaration of UNESCO on Cultural Diversity, approved by the General Conference of UNESCO on November 3, 2001: "The defence of cultural diversity is an ethical imperative, inseparable from respect of human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law nor to limit their scope".

[21] Ruiz-Vieytez, (2011) pp.15-6

[22] *Idem*

[23] Kymlicka (2007a)

[24] Parekh (2005)

[25] *Idem*

[26] Ruiz-Vieytez (2011) p.19

[27] *Idem* pp.22-3

of presenting a "universally acceptable definition of or universal consensus on"[28] what the constitutive elements of identity are, they need to be addressed from this paradigm change perspective. They are in permanent transformation, both in individual and, particularly, collective terms. But in the same way the category "vehicle" did not apply to the same thing back in the pre-modern, early modern and late modern periods but still had a continuous meaning, the category "identity"[29] keeps being as essential as comprehensible despite the paradigm change. Therefore, any proposal that aspires to give an overarching picture of the society will need to address or deal with it.

Academic reception of the paradigm change

The so-called paradigm change in which Ulrich Beck's work is located begins in the middle of the twentieth century. In fact, it is hard to determine the first proposal that conceived of the end of the Modern paradigm and the appearance of a new socio-political trend. The following table compiles, in a non-exhaustive way, the main diagnostic terms that could be located within this category:

Recent decades' diagnostic terms for society[30]	
Term	**Source**
The affluent society	Galbraith (1958)
The service society	Riesman (1961)
The knowledge society	Machlup (1962)
The leisure society	Dumazedier (1962)
The advanced industrial society	Marcuse (1964)
The new industrial society	Galbraith (1967)
The post-industrial society	Touraine (1969), Bell (1973)
The optional society	Dovring and Dovring (1971)
The post-materialistic society	Inglehart (1977)
The postmodern society	Lyotard ([1979] 1984)
The No-Risk society	Aharoni (1981)
The Risk society	Beck (1986)
The information society	Bell (1987)
The late capitalist society	Benhabib and Cornell (1987), for example
The communication society	Münch (1991), for example
The late modern society	Giddens (1991, 1994a)
The post-capitalistic society	Steele (1992), for example
The post-scarcity society	Giddens (1994b)
The network society	Castells (1996)
The post-full employment society	Beck (2000a)
The individualized society	Bauman (2001a)
The hypermodern society	Ziehe (2001)

Within all these tendencies, there are several transversal features that could be brought together under some umbrella concepts/categories. The one addressed in this Thesis is

[28] *Idem* p.33
[29] *Idem* p.49
[30] Sørensen & Christiansen (2013) p.13

that of Cosmopolitanism. Despite the difficulties of reducing the socio-political changes and intervening factors to linear understanding[31] - as opposed to previous proposals such as the ones presented by the early Marxist tradition, this element is shared by almost all the approaches. As this is the main aspect of Ulrich Beck's proposal addressed in this Thesis, it is particularly relevant. Regarding this approach, throughout the main interdisciplinary literature[32], three main common or distinctive elements of the research agenda arise: "(a) the overcoming of national presuppositions and prejudices within the social scientific disciplines themselves and the reconstruction in this light of the core concepts we employ; (b) the recognition that humanity has entered an era of mutual interdependence on a world scale and the conviction that this worldly existence is not adequately understood within the terms of conventional social science; and (c) the development of normative and frankly prescriptive theories of the world citizenship, global justice and cosmopolitan democracy"[33].

However, the fact that academia has been dealing with the paradigm change for already half a century has not implied overcoming all of its problems, controversies and contradictions. Regarding the one I address in this thesis, i.e. the tension between universality and diversity in Ulrich Beck's cosmopolitan proposal[34], the aims of reconciling local attachments with supranational implications[35] have been as numerous as non-successful or, at least, non-definitive. Actually, this controversy has not been addressed just from the Cosmopolitan tradition referenced above but also from more communitarian or nationalist views[36]. Some of them will be referenced when dealing with this controversy within Ulrich Beck's proposal, particularly when facing the recurring question[37] on whether we need to downplay or invalidate particular bonds or whether they are compatible with a universalistic solidarity. Nevertheless, Beck's proposal is focused on the analysis of the future; in other words, it is not about what "the world of nation-states was like but what the world is becoming and how our consciousness is changing with it"[38]. It is not about how those conflicts were raised in the past but about how the current institutional arrangement is not capable of properly addressing them. Just as the German philosopher Immanuel Kant foresaw the *enlightened age* even if it was not already operative at his time[39], Beck presents the core vectors of the ongoing paradigm change and their normative implications. The following analyses why it is important to go through the vectors proposed by Beck; that is to say, it presents the internal justification for the thesis topic.

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[31] Innerarity (2002) p.183

[32] Habermas (1995, 1998a); Albrow (1996); Apel (1997); Cheah and Robins (1998); Archibugi *et al*. (1998); Rawls (1999); Weiler (1999); Castells (2000); Delanty (2000; 2009); Nussbaum (2002); Breckenridge and Pollock (2002); Held and McGrew (2002); Vertovec and Cohen (2003); Archibugi (2004a); Beck and Sznaider (2006); Boon and Fine (2007); Innerarity (2014a, 2017) [not all the works listed here are addressed as primary references throughout the Thesis]

[33] Fine, R. (2007) p.2

[34] Beck, U. (1986, 1998, 2007)

[35] Hollinger (2001) p.239

[36] Smith (1995); Miller (1995); McMahan (1997); Jauregui (1997); Weiler (1999); Keating (2003); Huysmans (2003); Gans (2003); Taylor (2004); Norman (2006); Kymlicka (2007); Gagnon & Iacovino (2006); Calhoun (2007); Seymour (2011); Elvira (2014); Weinstock (2012); Bengoetxea & Edward (2011); Gagnon (2014); Guibernau (2013); Torbisco (2014). [not all the works listed here are addressed as primary references throughout the Thesis]

[37] Fine 2007) p.16

[38] *Idem* p.17

[39] Kant (1991) p.58

Internal Justification

Having analyzed why it is important to address the paradigm change and, more specifically, the unanswered question of how to reconcile diversity and universality within this new paradigm, the aim here is to understand why this endeavor is relevant from the internal perspective of Beck's work.

The conceptual vagueness of his approach

The acknowledgment and impact of Professor Beck's work both within academic and political debates is beyond any reasonable doubt (as confirmed by the recognition from several colleagues[40] and the awards that he received throughout his career). That relevance is almost as unquestionable as is the lack of specificity of most of his proposals. This vagueness has also been attested by his colleagues[41] (many of them being those same colleagues who acknowledge the salient relevance of his work). This thesis has been written after a thorough analysis of his work, which allowed the opportunity to understand the motives that underlie both perceptions: the originality of his work and his capacity for collecting and articulating the complexities of our times in an easily comprehensible fashion is almost comparable to his lack of conceptual rigor or even, at some points, shallow analysis. I address this twofold through the thesis: (1) I try to reinforce the value of his work by reviewing one specific aspect of his proposals and, in order to do so (2) I critically review, conceptually clarify and delve into his approach.
I have not attempted to analyze his entire body of work in the thesis. This was unrealistic, firstly, because of the constraints of time and space: Beck's full body of work as well as the responses to it is much too large to be addressed in a single investigation. That is why I only focus on a delimited area of his research: the cosmopolitan proposal[42]. However, this area cannot be isolated from his overarching work. Nevertheless, as will be explained in detail in the first Chapter, his cosmopolitan proposal is interlinked with - if not the result of - his Theory of the (Global) Risk Society. In addition, this Risk Society Theory is framed within the theory of the Second or Reflexive Modernity[43]. Even so, the effort of isolating a single part of his work has actually been part of the research and it opens the way for future equivalent path breaking initiatives that might help allow a rigorous understanding of Beck's work.
Second of all, the fact that Beck puts together such a amalgamation of disciplines[44] makes it hard to address any aspect of his work from a single perspective. In the case of this thesis, my analysis stems from three specific realms: Moral and Political Philosophy and Legal Theory. This implies, necessarily, leaving aside some relevant nuances that might be determinant from the perspective of the disciplines that have been set aside, such as sociology, international relations, anthropology or political sciences, as most of them are somehow connected with Beck's work. Thus, I base the thesis on

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[40] Bronner (1995); Giddens (1998); McGuigan (1999); Innerarity (2004); Mythen (2007);

[41] Goldblatt (1995); Dickens (1996); Smith, Law, Work & Pana (1997); Engel & Strasser (1998); Marshall (1999); Goldthorpe (2002); Elliott (2002); Adam (2003); Ericson and Doyle (2004); Mythen (2004, 2005a, b); Skeggs (2004); Scott (2006); Martell (2009) [not all the works listed here are addressed as primary references throughout the Thesis]

[42] Mainly developed in Beck (1997, 2004, 2005, 2008) and Beck & Grande (2005)

[43] Beck, Lash & Sznaider (1994)

[44] Sociology and philosophy are the main pillars of his research, but economy, cultural studies, anthropology, political science, economy, law and even theology have an impact on his proposals.

the ideal that this dialogue will (or at least could) arise once the analytical re-construction and review has been developed. Otherwise, apart from being methodologically unmanageable, it ends up generating a perverse incentive for "outsider" scholars who might end up dismissing Beck's proposals without overcoming their initial ambiguity and losing the opportunity to capitalize on his inspiring and evocative metaphors[45]. In the particular case of the disciplines from which I tackle Beck's work, there is an intrinsic requirement of conceptual clarification. This could be done without questioning the empirical data and field work methodology on which Beck might have based his normative proposals.

It is true that this approach represents two sides of the same coin. For one side, it leaves some material open which critics might access without too many complications. Nevertheless, a conceptual analysis of Beck's Cosmopolitan proposal could be criticized from a sociological perspective departing from a critique of his understanding of transnational family bonds or individualization of religious beliefs, for instance. These two aspects are not critically addressed in this thesis. It could also be criticized by historians, economists or cultural studies researchers based on Beck's analysis of modernity as a successful[46] - but incomplete - project. The fact that Beck built up such an all-inclusive framework makes it harder to block the possible indictments of being too pretentious, ambiguous or even mistaken. However - and this is the other side of the coin - he forces researchers to conceive of reality in a way that cannot be fully addressed from a single discipline's perspective. It gathers reality in all its complexity. In the particular case of philosophy - and the three branches of it from which the Thesis addresses Beck's work - it offers the chance of going straight to the conceptual, ideal or normative assumptions of his work. However, even when doing so, Beck's work has such a suggestive or even persuasive tone that it makes hard to avoid reflecting on the empirical background assumptions. In the case of the thesis, this is clearly evinced when I address national communities. Nevertheless, even if I focus on their moral, legal and political role, implications and conceptions, Chapter 2 and 3 also review his purportedly descriptive notions of belonging, identity and national attachment.

Pursuing Beck's ideal

Therefore, it is clear that a conceptual analysis and clarification of Ulrich Beck's proposal - regardless of how narrow or restricted it might be - will help to advance, enrich and deepen the discussion of his work. However, there is another reason why the goal of this thesis might be relevant from an internal perspective: it follows the lead of Beck's ideals, at least regarding a specific path for them. Nevertheless, as was already mentioned at the beginning, Beck was not only a relevant scholar but a fruitful and high impact public intellectual. The trendy and catchy slogans of "Science with and for Society" were present in his career much before they become broadly accepted. Beyond any specific ideological or partisan attachments he might have shown during his lifetime, Beck's commitment to those who are worst off was undeniable. This includes those who suffer the rise of social inequalities - particularly when referring to unemployment and gender inequalities, the exploitation of global labor forces by unregulated multinationals, the catastrophic consequences of climate change and

[45] Sørensen & Christiansen (2013)

[46] Ruiz-Vieytez (2011) p.9

uncontrolled human growth on nature/climate, the exclusion of the *non-us* or those who suffer all sorts of intolerance, these have all been a constant focus of his work. He may have been more or less correct on particular proposals, more or less accurate on methodology, but at the very least, his aims were intuitively fair ones. This is perfectly illustrated in the following statement following his theoretical framework:

> "A reflexive and post-conventional community is one in which we are prepared to sacrifice ourselves for others, not because those others have always been part of us but because we understand that interests of those people – given the risks we share or the tasks we have undertaken with them – have in fact become part of us"[47]

In this thesis, I aim to reinforce one specific aspect of Beck's work precisely in order to contribute to balancing this particular path in his pursuit of a better, more integrated and inclusive society. In a world where social harmony between diverse identities has been difficult to reach, making progress on the debate between universality and diversity appears to be a laudable goal. Moreover, most of the problems that the European Union is facing right now are connected to this conflict directly or indirectly[48].The problem is that, according to the view I hold in this thesis, Beck's proposal fails to properly articulate this conflict, potentially generating the exactly opposite result (i.e., escalating the conflict). As I argue, following his cosmopolitan proposal will end up aggravating the situation. Nonetheless, the "recognition of difference beyond the misunderstandings of territoriality and homogeneity"[49], as he states, could lead to two different results as he himself recognizes[50]: respect or hegemony, rationality or terror.
That is precisely why, as presented as follows, addressing the normative implications of his proposal - or at least the part of his proposal that I review in this thesis - is so relevant even from an internal perspective. Nevertheless, German Philosopher Georg Wilhelm Friedrich Hegel had already stated in the nineteenth century that "the universal must be activated, but subjectivity on the other hand must be developed as a living whole. Only when both moments are present in full measure can the state be regarded as articulated and truly organized"[51]. This is a core ideal that, as I argue in the thesis, should also be applied beyond the national sphere.

Normative implications and subsequent thesis structure

In this thesis, I do not focus on the broad sociological critique of Beck's methodology, nor on the broad sociological critique of his diagnosis (regardless of the degree to which his analysis is correct, the paradigm change is, undoubtedly, already happening). I do not even go through the conceptual/normative critiques/assessments of his sociological concepts and understandings (i.e. subpolitics, risk/hazards, reflexivity, etc.). Instead, I focus on his cosmopolitan proposal in order to review its moral, legal and political implications. However, even at this point, there is a nuance that needs to be introduced.

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[47] Innerarity (2014) p.14
[48] For a complete picture of this conflict, see Closa, Champeu, Innerarity. & Maduro (2014)
[49] Beck (2007) p.30
[50] *Idem* p.49
[51] Hegel (1991) ∫124

Beck's Cosmopolitan proposal, as I explain in detail in the first two chapters, focuses on two distinct axes: a vertical and a horizontal axis. The vertical axis refers to the individual or collective responsibility towards the global community of risk while the horizontal axis refers to how each of the unities relates with each other.

I depart from the idea that none of this could be properly reached without the other. This is to say; an institutional arrangement in which the horizontal level of interaction is properly built up - i.e., with strong conceptions of mutual respect, tolerance or recognition - but is unaware of the issues that transcend each of the separate units - i.e. without any cooperation, responsibility or solidarity - could not be fully legitimate or functional. The same is true if we consider it the other way round. As I explain in detail, throughout his work, Beck assigns different values to each of the axes. However, his main concern is reinforcing the vertical axis and, while doing so, he tends to ignore or dismiss the relevance of the horizontal axis. We are permanently verifying this clash during the European integration process. This is most clear when crises such as the 2009 multidimensional crisis in Europe arise[52]. The attempt to build an institutional arrangement based on the values of solidarity, cooperation or responsibility without further articulating the horizontal level ends up failing. Likewise, any expectation that working on the horizontal basis will be enough implies ignoring the empirical fact that we are living in an increasingly interdependent world in which dealing with interdependencies, heterogeneities and shared conflicts is no longer optional. Actually, working on the vertical level has proven to be a necessary condition to reinforce the horizontal level (very few peoples in the world are capable of subsisting without integrating beyond the domestic sphere). Meanwhile, at least in the short term, the horizontal level is more subject to power balances and therefore it is more a minority concern.

However, I argue that as opposed to Beck's standpoint, we have strong political, legal and moral reasons to work equally on both levels if we really aim to head for a proper Cosmopolitan realm. I will not address all the issues involved in such an enterprise, but just one particular aspect of Beck's proposal: the main normative elements of his approach to both the horizontal and vertical layers. That is, his cosmopolitan proposal.

I start by first reconstructing (Chapter 1) his work in order to identify the basis for his cosmopolitan proposal. Nevertheless, as his work covers many other fields, his cosmopolitan proposal cannot be analyzed as an isolated or self-contained proposal, but must necessarily be reviewed in the context of his wider analysis. To do so, I first analyse his understanding of the paradigm change within modernity. Thus, I begin Section I by exploring the distinction between basic principles and institutions as a crucial element of his understanding of paradigm change. Nevertheless, Beck argues that the socio-political dynamics within modernity require transforming basic institutions in order to make them capable of fostering the basic principles of modernity. I then introduce the idea of reflexivity as modernity's self-awareness. The overall aim is to understand the methodological implications of Beck's understanding of second/late/reflexive modernity. In the second section, I first present the key elements of Beck's Theory of Risk Society. I then introduce his understanding of individualisation and globalization as the main impacts of the global risks generated by modernity. The aim is to present the causes that lead him to elaborate a cosmopolitan proposal. In the third and last section, I introduce the main aspects of Beck's

[52] Innerarity, Closa, Maduro & Champeau (2015), Van Parijs & van Middelaar (2015)

Cosmopolitan proposal. First, I introduce the distinction between cosmopolitanism and cosmopolitanization, focusing on the distinction between normative, methodological and descriptive. I follow by presenting his political reaction to the ongoing cosmopolitanization as well as its scope. I conclude by introducing the three normative elements that I further analyse throughout the following chapters.

I continue by reviewing (Chapter 2) the extent to which his cosmopolitan view confirms his alleged normative neutrality. To do so, I start by first identifying, in Section I, the descriptive-normative distinction in the cosmopolitan debates. I do so by analysing the purportedly descriptive proposals that follow Beck's ambition (i.e, adapting social sciences to the ongoing cosmopolitanization of the world) and the historical grounds of philosophical cosmopolitanism. Regarding the main descriptions of the ongoing cosmopolitanization, although I do not present an exhaustive review, I note the main nuances/controversies between Beck's account and other sociological approaches. In the case of the philosophical debates, I present a broad picture of the historical evolution of cosmopolitan theories. In Section II, I present the three main areas of contemporary normative cosmopolitanism: cultural, moral and political cosmopolitanism. I argue that we can synthesize a minimum normative set of principles that should be compatible with any attempt to elaborate a cosmopolitan agenda. In Section III, I hold that Beck's cosmopolitan view, notwithstanding his potential critics, offers a valid minimum methodological standard to build a cosmopolitan agenda capable of dealing with the transformations or metamorphoses within modernity. However, I also argue that even if he presents this minimum descriptive standard as a mere methodological proposal and, subsequently, as normatively inert, his cosmopolitan view is far from being neutral. It implies strongly controversial normative assumptions. I hold that these normative flows limit the transformative potential of his cosmopolitan agenda. I use the case of the 1936 bombing in Gernika to bring those limitations to light. I conclude by identifying the main normative elements that are conditioned by that assumption: national secularism, community of risk and cosmopolitan empire. I argue that none of these features of his Cosmopolitan View are inevitable consequences following the above mentioned minimum descriptive standard. Moreover, they go beyond the minimum cosmopolitan normative standard settled in Section II and, therefore, clash with other relevant normative principles. That is what I aim to show in the following chapters.

I begin the review of the normative principles underlying his cosmopolitanism by focusing (Chapter 3) on the idea of the nation underlying his cosmopolitanism as an expression between postnational and postnationalist accounts. I do so by analysing and reviewing the most illustrative element of his proposal: the idea of national secularism that rises from his account of cosmopolitan tolerance. Section I describes in detail his idea of national secularism. First, I refer to the more or less radical expressions of this idea throughout his work, and then I describe its explicit formulation. In Section II, I first focus on the theory of nations and nationalism that lays the foundation of Beck's cosmopolitanism: Ernest Gellner's functionalist proposal. Then I explain how this account fits in Beck's explanation of the social dynamics of the post-industrial or global risk society. I argue that the way he keeps conceiving nations, nationalism and national belonging as necessarily exclusive, homogenizing and hegemony-seeking is the result of a particular portrayal of nations and nationalism that is actually contradictory with his understanding of reflexive modernity (where the dichotomic either/or logic of first modernity is substituted by the syncretic both/and logic). In Section III, I argue that, regardless which historical explanation for the rise of nations and nationalism is correct, current expressions of nations and nationalism provided by the literature on minority

nations shows that applying the principle of national secularism will be both morally and politically problematic.

Having analysed the understanding of nations, nationalism and national belonging underlying his cosmopolitan proposal, I continue by exploring (Chapter 4) his alternative conception of community. That is, I review his 'community of risk' proposal and his critique of the multiculturalist project. I frame this debate on the wider political philosophy debate around the 'boundary problem' of democracy. In Section I, I first locate the idea of community identification within his work in order to explore the alternatives he develops as opposed to the principle of nationality. I then detail the specific proposal of 'communities of risk'. In Section II, I address his critique of multiculturalism as a necessarily essentialist view of diversity. Next, I describe a more accurate and nuanced view of the multiculturalist proposal: the idea of critical/reflexive multiculturalism. In Section III, I sketch how a multicultural understanding of the nation is compatible both with Beck's cosmopolitan proposal in general and the idea of risk communities in particular. I conclude by turning back to the debates about the 'boundary problem' of democracy. Particularly, I sketch out the all-affected principle of democratic enfranchisement in order to show, more specifically, how Beck's 'global communities or risk' fit within those debates.

Once I have analysed his critique to nationalism and the alternative proposal of community building, I proceed (Chapter 5) to explore Beck's proposal to institutionalise Europe on the basis of the communities of risk: the idea of a cosmopolitan empire. While I keep the analysis empirically within the framework of the European integration process (as that is Beck's framework), I do also refer to non-European experiences as a basis for normative considerations. In Section I, I first introduce the key background normative assumptions of Beck's political cosmopolitanism, that is, his broad understanding of sovereignty, integration, cooperation and national interests. Then I continue by explaining the key normative and descriptive features of his proposal of a European Cosmopolitan Empire. In Section II, I first address the main problematic features of the 'Empire' proposal: its lack of specificity regarding the way (1) democracy and (2) sovereignty will actually work transnationally and (3) the problematic connotations (and features) of the Empire. I then introduce what I consider the most solid account of European integration with a cosmopolitan intent: the theory of European demoi-cracy (particularly in Kalypso Nicolaïdis's understanding). I argue that this is the proposal that best manages to solve the equilibrium of both elements of Beck's syncretic understanding of cosmopolitanism (both local attachments and global risks). In Section III, finally, I come back to the normative assessment of nations and nationalism that I initiated in Chapters 3 and 4 in order to keep advancing how they should operate in contexts of political integration such as the EU. To do so, I will first review the understanding of trust and common bonds defended by liberal nationalism as the one that has showed a clearest ambition of combining both dimensions. I will argue that Beck provides adequate tools to rethink those nationalist principles and build a stronger case of cosmopolitan nationalism. I will also argue that in the case of the European Union - and, actually, in the case of any supranational shared institutional framework, in this case including federal frameworks, individuals can recognise themselves as part of the union without necessarily identifying themselves with the union. I conclude the chapter by referring to a particular - although very controversial - debate regarding the equilibrium between unity and diversity: the case of the scope of fiscal distribution.

The last part of the thesis (Chapter 4) is devoted to exploring a particular case study in order to review whether Beck's cosmopolitanism, including the nuances I have introduced in the previous chapters, provides an adequate ground to rethink the tensions between nationalism and cosmopolitan concerns. In particular, I analyse the tensions between universality and diversity regarding Human Rights Protection (HRP) in Europe. I review, concretely, the conflict between the European Court of Human Rights (ECtHR) and the United Kingdom (UK) regarding the prisoners' right to vote (PRV). I develop the argument by first presenting, in Section I, the current HRP system at the Council of Europe. In order to do so, I analyse the most relevant mechanisms applied by the ECtHR in order to ensure the signatory states' scope of deference: margin of appreciation, subsidiarity and dynamic interpretation through consensus. I then follow by presenting, in Section II, the controversies in the UK referring to the PRV with regard to the Free Elections Right covered by Article 3 of the First Protocol of the European Convention of Human Rights. The case law regarding this particular right – as well as the doctrinal approach to the topic – clearly exemplifies the tensions between those who advocate for an exclusive national interpretation of certain Human Rights and those who believe they should be decided by a transnational court. Once the main features of the European HRP framework have been presented, in Section III, I consider the main theoretical background assumptions of those who address this tension: Cosmopolitan Supra-Nationalists and Conservative State-Nationalists. I argue that both perspectives share a common misunderstanding: confusing the duty to accommodate national claims to internal self-determination with the duty of granting external self-determination. In this regard, I go through the moral and political philosophy aspects underlying the conflict. I do not address the chosen case, the UK's debate on the PRV, in order to clarify the right answer to the question of "whether prisoners should be subjects of the Human Right to vote". In this chapter, I focus on the analysis of the main arguments of the debate both among those who defend the UK's (mainly Parliament's) authority to make a decision on the interpretation of this Human Right – even suggesting the UK's withdrawal from the ECHR – and those who argue in favour of ECtHR authority to decide on the issue. That is to say, I do not argue about whether prisoners do actually have the right to vote but who (and why) should be ruling over this issue in which HRP is at stake. I conclude by stating that, even if according to political reasons fostered by a theory of demoicracy, the UK is entitled to withdraw from the ECHR, there are strong moral reasons to oppose this decision on the basis of a cosmopolitan account. That is, even if the UK is entitled to opt out from the Convention - as it is entitled to withdraw from the EU -, the position only holds if you assume an either/or logic. Which, as I have argued, is incompatible with a cosmopolitan view of international relations.

I conclude by arguing, mainly two things: first, that Beck's cosmopolitanism provides very valuable methodological tools to both describe and diagnose the transformations within modernity. Moreover, he provides a valuable normative framework to discuss the implications of those transformations on our understanding of the nation and democracy. However, and that's the second conclusion, the fact that he does not develop enough the normative assumptions underlying his cosmopolitan proposals, leds to conclusions that could actually be considered opposed to his cosmopolitan goals of cooperation. In other words, unless we manage to substantially nuance the normative elements underlying his cosmopolitan proposal, it seems hard to ensure a successful application of the principles of hospitality, cosmopolitan tolerance and transnational solidarity that he aims to foster.

Personnel justification

Before going straight through the description and critical review of Beck's work, there is one last justification that is crucial to understand the topic of the thesis. Furthermore, it gives some clues not only about the motivation but also about the perspective from which I address the topic. That is why, as follows, I close the introduction explaining (1) my personal understanding of philosophy as a discipline, (2) the theoretical standpoint from which I depart and (3) the personal background that explains my main underlying aim.

Understanding of philosophy

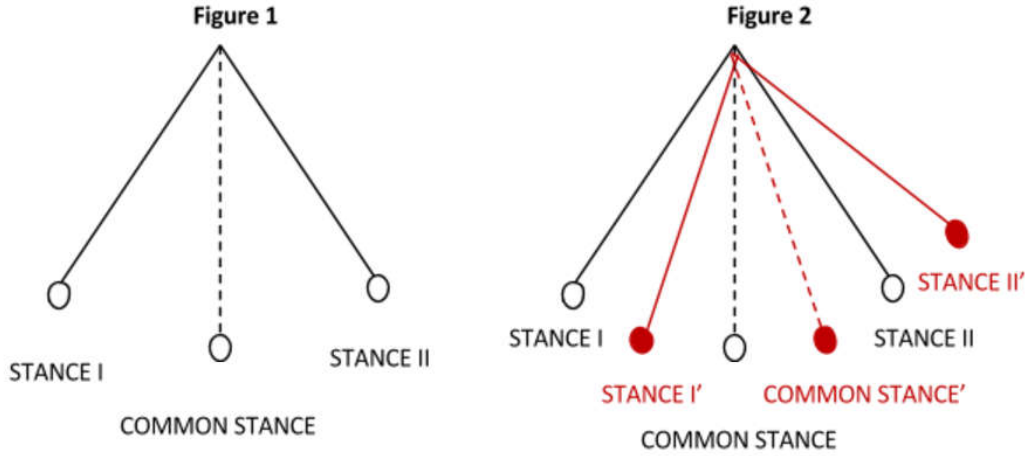
During my undergraduate studies in Philosophy, I had a professor who told me something that I will never forget: "you can learn about how to hunt dragons. You can even create a Dragon Hunting University where you teach future generations about Dragon hunting. However, if at the end of the day, there are no Dragons to hunt, that knowledge will end up being futile. That is an illness which has corrupted the discipline of Philosophy for the past fifty years". While I am not sure about my professor's intentions or exactly what he did or did not consider relevant, I am sure that his words are maximalist. However, the way I interpreted and assimilated that message is definitively among the reasons I chose to analyze the work of an author as realist as Ulrich Beck. Beck's work reflects permanently, more or less successfully, on the social, economic, political and institutional reality in which he lived.

But let there be no mistake: this is no way implies that merely theoretical or ideal reflection is useless *per se*. It definitely has an instrumental value that should be determined from within the reflection itself. The best example of this potential validity of theoretical reflection will be the meta-reflection: there is no doubt that the philosophical meta-reflection on other disciplines or within philosophy itself is as valuable as it is fruitful. Therefore, it is not so much about the external perception of its value, which can hardly be objectively determined a priori. It is more about the leitmotiv of those who are reflecting. In the case of this thesis, for instance, the leitmotiv aims to generate interpretative tools that might help us face the ongoing paradigm change with higher guarantees of success.

Actually, and this would be the second thought underlying the philosophical standpoint of this thesis, the way philosophy ends up having a value is by its public impact through democratic means. Any theoretical progress that may help us better understand and deal with reality will be valuable insofar as it is assumed by its target audience. If we reflect on how Responsible Research and Innovation should work, for instance, but our conclusions are not assumed by the scientific community then the reflection ends up being unenforceable. If we conclude that the current trends of consumption pose an irreversible danger to nature but consumption patterns keep being the same, our reflection will be crippled. In this case, if we reflect on how to articulate universality and diversity, but state nationalism - understood as a homogenizing and exclusive power - keeps being the prevailing ideology, the result will be, definitively, less valuable.

This leads to my third and last thought: the transformative capacity of philosophy as a discipline. I have already mentioned its potential value as an interpreter as well as how those interpretations reach their target. However, both aspects ignore the real capacity of

change underlying the philosophical reflection. When we cover a particular controversy or debate, especially when it has some echo in reality, whatever summary we make of a text will not be able to match the reality of its complexity. Therefore, whichever conclusion we may reach will be subjected, in terms of socio-political transformation, to several constraints that escape the range of our discipline. Nonetheless, this should not lead to the conclusion that no change is possible through philosophical reflection. Conversely, philosophy - and actually any other discipline - has two potential capacities of transformation. This idea is illustrated in the following figures:



The figures are definitively reductive, as there are rarely two clearly opposed views nor is the philosophical debate the only influencing factor for social change. However, it illustrates the two intrinsic potentials of philosophy. The first figure illustrates how philosophical debates help to keep the equilibrium between diverse conceptions of society, the good life or many other controversial issues. This does not mean that both corners of the pendulum (stance I and stance II) are equally valid. But, as said before, it is not about which is valid but about the actual change each stance generates. Imagine, for instance, the debate between an extreme nationalist and a radical cosmopolitan. Stance I represents the person who claims that only locals are entitled to the rights and duties of being a citizen. Stance II, on the opposite side, represents the person who believes that every human being is entitled to the rights and duties of citizenship qua human being. In the society of Figure I, the common place, assuming that both stances - as well as all the middle way variations - have similar deliberative weight, will be some intermediate position (e.g. foreigners can access citizenship rights and duties as soon as they meet some legal requirements). The fact that both positions are defended helps to determine the middle track through which a society will evolve as well as the scope of 'socially acceptable views'. That is: the playing-field of a society.

Figure 2 refers to a much more unusual potential of Philosophy, although whenever it is materialized, its effects are definitively transformative. In this case the feminist debate is a perfect example - despite all the simplifications in which we may be incurring: the aim is to explain a conception of philosophy, not the philosophical debates themselves. Let us say that in the early twentieth century the debate in Europe was between those supporting women's right to vote (Stance II) and those opposing it (Stance I). As the debate progressed, the common social place also evolved. Thus, women's right to vote was not a subject of debate anymore. Therefore, Stance I' and Stance II' now represent something else: that is the social transformation that philosophy is capable of (or at least

contributes to). However, those transformations can also swing in the opposite direction, replacing progress by regression. Actually, regarding the topic addressed in this Thesis, the current debate on diversity at the EU, for instance, is suffering from this pattern[53]. That is why, according to the way of understanding philosophy presented above, this critical review is also relevant. Nevertheless, Beck's work attempted to support social change in line with Figure 2. In the thesis, I reinforce that goal by reviewing and correcting some aspects of the Cosmopolitan proposal within that endeavor.

Those who have been left out and the path breaking partner

Considering the scope of the thesis - analyzing Ulrich Beck's work and, particularly, his cosmopolitan proposal, all the topics orbit around his own notions and reference authors. That is to say, the references I analyze in the thesis are internally or externally focused on his work. I use the word "internal" to refer to those authors on which the cosmopolitan sociologist bases his approach and "external" for authors who offer relevant alternative theoretical standpoints on the issues addressed in Beck's Cosmopolitanism and for those who are useful for reviewing his proposals, whether or not they actually reviewed - positively or negatively - his work. Therefore, in this thesis, I do not reflect a broader philosophical standpoint than the author.

This implies that several debates and academic strands which I consider relevant fall outside of the scope of this thesis: the debate between relational and non-relational egalitarians, the republican-liberal controversy, the input-output legitimacy deliberation, etc. are not addressed in this Thesis. In some cases, these questions are not approached even though they deal with issues which are present in other areas of Beck's work. That is why authors who have clearly had an influence on my educational background are not included, at least exhaustively, in the Thesis: e.g. John Elster, Ronald Dworkin, Thomas Christiano, Walter Benjamin, Jaques Derrida, John L. Austin or Richard Rorty. In addition, two of the authors that have mainly channeled my world understanding, John Rawls and Jürgen Habermas, are only partially referenced. However, as previously mentioned, I do not believe that scholars can disaggregate their minds and fully leave aside all the references that have influenced their mindset. That is why this sort of disclaimer note, though brief, might be valuable for the reader to elucidate the author's view throughout the Thesis.

Nevertheless, among those influences there is one that is explained, problematized and, definitively, included in the Thesis as a tool to review Beck's statements: Will Kymlicka and his Cosmopolitan Multiculturalism. The Canadian political philosopher exemplifies in his work three basic assumptions that are crucial in this thesis. They could be summarized as follows:

- States are not "homogeneous national spaces that are bursting with solidarity… [as opposed to] heterogeneous transnational spaces that are incapable of solidarity"[54]. Realizing the contingency of the State and its purportedly intrinsic values/virtues without diminishing the relevance of group rights was a pathbreaking approach, especially among liberal theorists.

[53] Torbisco (2014) pp.13-18
[54] Innerarity (2014) p.3

- Identities are not a feature of minorities that deliberately claim them. That is a fallacy that is assumed by the majorities - or even some minorities[55]. The way the state interacts with the citizens over which it rules will necessarily have an identity bias that should be fairly managed.
- Collective identities and an active/conscious sense of belonging can be a strong means to generate the worst results - there are plenty of historical examples in this sense. However, they also hold the potential of generating positive results: "societies can have their pride, not in being the greatest or the wealthiest, but in being the most just, the best organized and in possessing the best moral constitution"[56]. Kymlicka's Liberal nationalism proposal points in that same direction, although I partially disagree with his proposal (Chapters 4 and 5).

Nevertheless, the Liberal Multiculturalist proposal, despite all its flaws (which will be addressed in the Thesis, particularly in Chapters 2 and 3), has broken with many of the commonplaces and assumptions that the mainstream philosophical debates covered throughout the twentieth Century.

Basque citizen of the world

There is a well-known universal Basque poet who, in one of his most well-known poems, wrote: 'hegoak ebaki banizkio, ez zuen alde egingo, nerea izango zen. Bainan honela, ez zen gehiago txoria izango. Eta nik, txoria nuen maite'. That is to say: if I had cut its wings, it would not have escaped, it would have been mine. But, then, it would not have been a bird anymore. And I loved the bird". In light of the ongoing transformation processes in which supranational institutions appear to be as consolidated as ever in history, this poem seems more appropriate than ever: it shows the paradox into which modernity has led humanity. From the one side, strengthening ties among human beings, giving a legitimate institutional framework to the ongoing cosmopolitanization process is desirable given the global threats we are currently facing. However, from the other side, these processes of integration have historically led to the homogenization of the members of that community. As a conscious member of the Basque Community who endorses the Cosmopolitan proposal, this contradiction and paradox is a constant commonplace. The question, therefore, is how to articulate with dignity one's personal identity, belonging, nationality, with a universal attachment with humanity. This is to say, how to be a Basque citizen of the world. That could have been the main question of this thesis.

However, this does not mean that the subjective experience of being Basque has been the basis of my research. It just aims to underline what Quentin Skinner calls the "apparently inescapable determining factor of the observer's mental *set*"[57]. The research has not been developed referring to subjective experiences as a valid argumentative ground. In this sense, I agree with David Miller's introductory disclaimer:

> So can one do more than articulate a personal perspective on nationality? It is currently fashionable to try to illuminate abstract topics by drawing upon

[55] Ruiz-Vieytez (2011) p.27
[56] Durkheim (1992): pp.74-5
[57] Skinner (1969) p.6

> the subjective experience of the author ('How the world looks to me coming from where I am'), but it is not clear to me why anyone else should pay attention to insights arrived at in this way, except in so far as they are collecting mentalities, in the way that others might collect exotic species of plants. Unless my claims and arguments find a resonance in the experience of my readers, they are barely worth making. So if national identities, and the demands that they give rise to, were indeed merely matters of subjective sentiment, as my foregoing remarks seem to suggest, I for one would find this profoundly discouraging. But perhaps the evidence can be looked at in a different way[58].

That is why I will not base my approach to the topic on any personal-subjective experience. Using the Basque case as a case study or empirical reference of a theoretical proposal will require a deep research distinct from one's own experience. Actually, most of the references to the Basque case on the nationalism studies literature tend to equate every minority nation in a way that usually rests far from reality[59] (even within the Spanish Kingdom, Catalonia and the Basque Country reveal very different features[60]). Having said this, there are two elements of the subjective experience of belonging to the Basque nation that unquestionably influence my work: (1) there is a Basque nation that, as in my case and with all the variations, is considered by some people an important feature of their identity[61] and, (2), this feature has been a source of socio-political conflict due to its coexistence with at least two other major nations: the Spanish or Castilian and the French. In broad terms, it could be said that there are some people who, like me, do not believe there is any substantive difference between belonging to the Basque nation and belonging to the Spanish or French nations. There are of course several *ad-intra* (how each member of each of those nations conceives of their nation and belonging to it) and *ad-extra* (the external features of each of those nations, which are of course porous and different from each other) differences among them. However, in the terms expressed here, the three of them could be conceived of similarly as nations. The feature that makes the definitive difference is the formal arrangement: while France and Spain are sovereign nation-states, the Basque Country is separated into three separate institutional realms: a portion of the French department of the Pyrénées-Atlantiques and the Spanish Autonomous Communities of Navarra and Euskadi.

Leaving aside any value judgment about this actual institutional framework, the fact of having a strong sense of belonging to a nation which exists in such a heterogeneous formal arrangement (meaning legal and political) affords some relevant lessons. Nevertheless, the Basque identity and some of those who share it are permanently facing the dilemma of holding to their identities while opening to the world through each of its multiple layers: at the state level (in this case, a double issue: France and the Kingdom of Spain), the European Integration Process (both in the European Union and

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[58] Miller (1995) p.14

[59] A sociological picture of the Basque linguistic people [or a relevant part of it] could be found on the TV show "Tribuaren Berbak", released by Euskal Telebista (available in Basque and Spanish)

[60] An introductory remarks, tips and reflections on this issue could be found on my following article: http://basquetribune.com/euskadi-facing-the-catalan-secession-movement/

[61] As will be explained in Chapter 3, language, common history or even the landscape might be explanatory factors, but here I refer to the normatively relevant factor of the attachment to social fact, as an individual, and the attachment to a political fact, as a citizen.

the European Convention of Human Rights), the international arena (with all its institutional alliances: World Trade Organization, United Nations, International Monetary Fund, etc.). The fact that the Basque Country does not enjoy external self-determination - something that, once more, is not at stake here - implies complex articulations, both by itself or through intermediate instances such as the states, on each of those levels, in order to ensure the persistence of the Basque nation.

That is why the ongoing paradigm change on which Ulrich Beck's work is focused happens to be so appealing on a personal level: if we manage to progress toward a world order in which Cosmopolitan concerns and realities are compatible with the diversity/plurality of belongings, progress will surely be achieved: the current dreamy utopia of becoming a Basque citizen of the World will turn out to be a realistic utopia[62]. This is to say, a realistic utopia that, nevertheless, has some common features with the idea of a Greek, French, German, Spanish - and so on - European citizen. To put it in other way, answering the inquiry about how we should understand citizenship - with its attached rights and duties - in a post-sovereign, post-territorial sense without generating further tensions among the plurality of national belongings in place.

This Thesis delves deeply into all these questions and dilemmas through the analysis of Ulrich Beck's work and, particularly, some of the features of his Cosmopolitan proposal.

[62] "By showing how the social world may realize the features of a realistic utopia, political philosophy provides a long-term goal of political endeavor, and in working toward it gives meaning to what we can do today" Rawls (1999) p.128

INDEX

1. ULRICH BECK'S COSMOPOLITAN PROPOSAL: AN ANALYTICAL RECONSTRUCTION

This chapter locates Ulrich Beck's Cosmopolitan proposal within his vast work. I do so following three main paths: identifying the core descriptive elements of his diagnosis (transformation within modernity), presenting his theoretical account of that paradigm change (theory of Global Risk Society) and addressing his methodological contribution to address the needs identified by that theory (cosmopolitan view). Although the chapter follows this distinction in order to categorise Beck's work through intelligible divisions, it is fair to note that within his work none of the listed elements is clearly separated from the others. The only contribution that is considered a separate proposal would be his cosmopolitan account (although Beck himself always referred to his work as a unified research agenda that included the cosmopolitan view[63]). That is why the works which are more directly linked to the topic are considered a self-contained trilogy: Cosmopolitan View, Power in the Global Age and Cosmopolitan Europe (the latter written together with Edgar Grande). However, as I show in the next sections, an adequate understanding of his cosmopolitan proposal requires addressing, at least, his understanding of modernity as Reflexive Modernity and his theory of Global Risk Society.

Insofar as Beck develops a wide variety of topics in his work, I highlight that "at least" these two underlying theories should be addressed. Nevertheless, his work is so vast, both in terms of published books and articles[64], as well as in terms of topics he addresses, that any attempt at gathering his proposals into exhaustive categories is condemned to oversimplification. However, without this categorisation it wouldn't be feasible to present a comprehensive analysis of his work. In other words: even if merging different pieces of his work within a single category may imply leaving aside aspects of those same works which might be relevant in and of themselves, the need to handle his vast work implies assuming that loss. In that sense, despite recognising their intrinsic relevance and referring to them from time to time, I do not address the following topics within his work extensively: the transformation of the concept of work / job market and its impact on gender roles, the new models of family life, the new development and management of scientific knowledge, the politics of climate change and, more broadly, the empirical sociological studies that he did based on his theoretical proposal. Moreover, as mentioned in the introduction, I focus precisely on the main theoretical aspects of his work. Therefore, I divide his work following three main elements, with their corresponding early-modern equivalent:

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[63] The reference to the "research agenda" as the underlying aim of his work is common both in his works – Beck & Lau (2005), Beck & Sznaider (2010), Beck (2013) - and his professional career. The latter includes the multiple research groups that he promoted: Collaborative Reflexive Modernization Research Centre (1999-2009, funded by the German Research Foundation); *Methodological Cosmopolitanism - In the Laboratory of Climate Change* (2013-2016, funded by the European Research Council); *Greening Cosmopolitan Urbanism* (2013-2017, funded by the European Research Council); among many other examples with clear practical intent.

[64] For a thorough hermeneutical analysis of Beck's work, despite not challenging his underlying normative claims, see Sales Gelabert (2009). For a basic overview of Beck's work under the categories of Second Modernity and Risk Society, see Sørensen & Christiansen (2013) and Beck (2014). For a discussion about his theory of Risk Society and Reflexive Modernity, see Rustin (1994), Franklin (1997), Mythen (2004), Koerner & Rusell (2010).

1. Reflexive (or second) Modernity - First Modernity.
2. Risk Society - Industrial Society.
3. Methodological Cosmopolitanism - Methodological Nationalism.

As mentioned, none of these categories corresponds exactly with a closed set of his works. However, it is also true that some of those works address issues that fall under a certain dimension more than others do. In that sense, given the main aspect of his work that I address in the thesis (cosmopolitanism), I refer much more to the series of works he developed since 1997[65] as they are the ones which develop his cosmopolitan view or proposal most explicitly. In any case, although I focus on the third category and Beck's approach to the issue, it is essential to address his understanding of the paradigm change before tackling his cosmopolitan account. Otherwise the main normative elements that I identify are not duly understood. The fact that Beck did not mean to offer a normative proposal makes it hard to analyse his work fairly with the "normative lenses" used by this thesis. His works offer a research and political proposal with clear practical echoes. That is to say, he did not intend to restrict his work to the academic debates. Therefore, conceptual continuity, coherence or clarity are not always granted. This makes it necessary to address any specific aspect within his work as parts of a broader framework. Little wonder why Beck himself tends to begin most of his works - at least the ones I have reviewed for this thesis - with a kind of review of the main features of his own work before addressing the topic of that specific book or paper. The following sections aim precisely to present an overall review of the key elements of Beck's work. In this way I identify the theoretical grounds for his normative claims that, given Beck's style, would otherwise be untraceable.

[65] Beck published in 1997 his first work centered on the topic (*Was ist Globalisierung?*, Suhrkamp Verlag), which was released in English in 2001 (*What is Globalization?*, Polity Press).

Section I: Toward a Reflexive Modernity

In this section, I first analyse, through the distinction between basic principles and institutions, the meaning of Beck's understanding of the paradigm change. Then I introduce the idea of reflexivity as modernity's self-awareness. The aim is to understand the methodological implications of Beck's understanding of second/late/reflexive modernity.

Transition within modernity as opposed to rupture from modernity

According to Ulrich Beck's work, we are in the middle of a paradigm change in which humanity is transforming the social relations, political dynamics and institutional arrangements that operated during the first or early modernity. By social relations, he means both the way in which individuals relate to each other and the way those interactions define one's identity or self-conception. By political dynamics, he is addressing both the claims and interests that those individuals express through collective action and the scope of those claims and interests. By institutional arrangement, he refers both to the way those claims and interests are channeled and to the way each of those channelings, so to speak, interact with each other. Like Anthony Giddens[66], Beck goes beyond the role that early modern sociologists such as Marx, Weber and Durkheim assigned to industrialisation and/or capitalism as the explanatory factor(s) of modernity. That is to say, Beck believes that industrialisation and capitalism are no longer elements that solely explain social, political or institutional arrangements. This does not mean that Beck believes there has been a rupture from those times in which industrialisation and capitalism were the elements that organized societies. Contrarily, it just means that there has been a transformation of the institutions that characterised first modernity while the underlying principles prevail[67]. The problem he identifies is that while most of the principles prevail[68] in Western societies[69] as commonly shared aspirations, early modern institutions are not capable of accomplishing them anymore. Those principles may vary up to a point - and are not exhaustive as listed by Beck -, but include matters such as the need to establish a basis for arguments, individual freedom and equality, commercial organisation, that all structural decisions should be open to critique and subject to rationalization, the principle according to which decisions can and must be backed up by rational reasons,

[66] Giddens (1990), p.24

[67] Beck, Lash, Giddens (1994) p.15

[68] It is important to note that even if Beck believes we are still pursuing the same basic principles defined in early modernity, this doesn't mean that he shares Fukuyama's or Kojeve's view of "the end of history" [Fukuyama (1993)]. That is to say that, even if he believes modernity has led western societies to assume a certain *rationale* of equality, freedom or rational critique as basic institutions, this is not equitable to Fukuyama's proposal of an inevitable historical *telos* toward liberal democracy. Moreover, it is important to note that despite the misunderstandings that surrounded his Reflexive Modernity proposal particularly in the 90s, Beck believes we are living a paradigm change, not a "gradual increase in the significance of knowledge and reflection" [Beck (2000) p.3]. This sort of meta-debate within Beck's work is not addressed, since it is ignored by Beck himself when he unproblematically and interchangeably continued using the notions of Second, Later or Reflexive to refer to the change of era.

[69] I critically address the debate about whether his proposal only applies to western societies - or, even more specifically, to Europe - when I problematise his idea of European Empire in Chapter 5.

etc. The relevant issue here is that even if most of the principles persist, the division between them has blurred. The problem is that institutions keep organised in a way that, paradoxically, is not compatible with the principles they were meant to protect. That is to say, the same principles that were created to promote certain principles are pushing toward their disappearance.

In that sense, Beck believes that while the rupture that led to modernity implied fighting for some basic principles which shaped basic institutions, reflexive or second modernity is a transition in which we need to adapt the institutions that prevail so that they answer again to their original goals. Beck refers to the persistence of those institutions with the metaphor of zombie institutions (that will be developed later): "it still looks alive, but it is dead"[70]. He believes they are not capable of channeling basic principles anymore. However, as will be explained, societies are still organized based on those basic principles. In contrast to previous era or paradigm changes, there is no controversy regarding these principles. Thus, what we need is a renewal, rather than a revolution. The idea that modernity transforms itself is, in this respect, opposed to the ideas of rupture, breakup or revolution that, more or less explicitly, authors such as Lyotard, Foucault, Derrida or Jameson[71] hold about the paradigm change. In Beck's view, we are not witnessing a period change but, for the first time in history, the changes are caused by the particularities of the period itself in such a way that those particularities are made necessary.

In a way, Beck's novelty is that he argues that modernity is transforming modernity itself in order to persist. Or, less obscurely, modernity has led to a context in which humanity (both in its individual and collective dimensions) can only keep advancing the principles of modernity by transforming - not replacing - the institutions of modernity. Furthermore, this paradox has reached such a level of development that transforming modernity, revisiting its institutions to adapt them to present circumstances (generated by modernity), not only conditions progress but even humanity's existence itself. That is to say, what is at stake in the paradigm change are not merely the basic principles of modernity, but the future itself. In a way, Beck drinks from the traditional dialectic between progress and decadence, optimism and pessimism,[72] that characterised post-war continental philosophy[73]. Therefore, we may review those institutions that, according to Beck's diagnosis, we need to transform and the ways in which we can transform them. To do so, we may first analyse the key element of the paradigm change (i.e., the distinction between basic principles and basic institutions) and, then, review the specific institutions that, per Beck, we need to transform.

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[70] Beck (2002a) p.9

[71] While Lyotard's work clearly refers to this rupture, other authors who hold that there has been a rupture from modernity present this argument within other non-explicit works. This generates several debates about their "label" (i.e., about whether they embrace or not postmodernism) that I do not address in this work. I assume that Jameson (1992), Derrida (1972) and Foucault (2006), to mention three works that I consider core contributions to this debate, defend the idea that there has been a rupture in modernity. However, I do not believe this statement is determinant for my analysis of Beck's work. If a deeper analysis of these authors would show that this classification is not accurate enough, that will not invalidate the idea that Beck separates himself from postmodernist approaches by highlighting that there is a continuity between first and second modernity.

[72] Gunther Anders, Jürgen Habermas, Leo Löwenthal, Hannah Arendt, Herbert Marcuse, Axel Honneth. Habermas himself (Habermas 1985) or Rorty (Rorty 1998) offer some clues about these debates, although I do not address them thoroughly in this Thesis.

[73] Critchley. (2001)

In the first modernity, traditions were rationalized[74] through the institutions that the process of industrialisation required. This led, in the early stages of industrialisation (i.e., first modernity), to the rise of certain basic principles and subsequent basic institutions that channeled those principles[75]. It is important to highlight this distinction as their different evolution is precisely the key element of Beck's diagnosis about the paradigm change. Basic institutions are "cognitive-normative problems and minimum requirements of the 'project of modernity', which represents its 'driving force' and thereby keep its developmental dynamic going"[76]. In contrast, by basic institutions, Beck refers to "institutional responses to the fundamental imperatives of these basic principles in particular historical contexts, each response being associated with a particular phase of modernity"[77]. Thus, the second main characteristic of basic institutions is that they change throughout history even within the same historical era[78]. These transformations are, precisely, what differentiate each phase of modernity from the rest (i.e., early from late, first from second). That is precisely the key element in which Beck holds his argument: that changes within society do not necessarily imply changing the basic principles but the basic institutions that hold those principles. That is the assumption underlying Beck's idea of transition from first to second modernity.

Out of first modernity, he identifies several basic institutions: "a society based on gainful employment, the nation-state, the nuclear family and a gender-specific division of labour, Fordist production, scientific rationality based on control"[79]. However, he never offers an exhaustive list: "a more extensive and exact formulation remains to be elaborated. But it should be possible (…) to formulate some theses about how the changing structure of society is affecting them [the basic institutions of first modernity]. These premises were generated as first modern society developed very gradually and laboriously. But the same process of modernization that made them first possible and then necessary, has finally rendered them obsolete"[80]. In any case, I only track his conception of first modernity's nation-state (Chapters 2, 3, 4 and 5). Each of those institutions and the specific ways in which Beck addressed their transformation requires, as he admits, a specific, thorough analysis. According to Beck, those transformations follow a common pattern: they become the above-mentioned metaphor of 'zombie categories'[81]. As he states, "the most important methodological implication for all social sciences is that normal social sciences categories are becoming zombie categories, empty terms in the Kantian meaning. Zombie categories are living dead categories, which blind the social sciences to the rapidly changing realities inside the nation-state containers, and outside as well"[82]. In other words, Beck believes that the social categories of first modernity, the ones that refer to its basic institutions, are empty of meaning in second modernity. Following the Kantian account of the meaning[83] that Beck assumes, the transformations within modernity have emptied all empirical terms

[74] Beck, U. (1995), p.13
[75] Beck, Bonss & Lau (2003) p.5
[76] Beck & Lau (2005) p.532
[77] *Idem* p.8
[78] Sørensen & Christiansen (2013) p.38
[79] Beck & Lau (2005) p.9
[80] *Idem* p.4
[81] Beck (2002b), p.53
[82] Beck & Gernsheim (2002), p.8
[83] Goldberg (2015)

raised in first modernity. This is to say, they are no longer constituted on essential objective or subjective sources, but on the subject's specific "conceptual, linguistic or perceptual capacities"[84]. That is, precisely, the basis of his diagnosis about modernity: the idea that modernity has located the individual at its centre and, therefore, in order to adapt the institutions of modernity to present transformations we need to assume a reflexive attitude toward modernity itself. Otherwise, if we try to answer the contemporary socio-political challenges (that differ from the ones of early modern times) without questioning the basic institutions and their interaction with the individual, taking their actual existence for granted, we will necessarily fail to accomplish the basic principles we pursue.

The reflexive dimension or self-awareness of modernity

Per Beck, while in early or first modernity we were expected to rationalize traditions, within reflexive modernity we need to rationalize rationalization itself[85]. In other words, we need to rethink the categories, premises and divisions from which we address and transform reality. This redefinition of the present era, as Beck states, implies assuming that while traditional forms of life were clearly identifiable, currently we are witnessing a breakup of those basic institutions[86] and a subsequent increase in levels of disorder and uncertainty[87]. That is precisely the key driving force of second modernity: the reaction vis à vis those uncertainties and disorder; i.e., the reaction against insecurity, against the unintended consequences of modernity[88]. Beck believes that in first modernity societies reacted against the traditional forms of life and their underlying basic principles. In contrast, the transformation that Beck identifies in his diagnosis, the one that differentiates his approach from other understandings of modernity, is that he does not believe that the paradigm change implies substituting the basic principles that rule western societies but assuming the need of adapting basic institutions in order to foster those principles. That need of thinking about the role played by each of the basic institutions of modernity that, in a broad sense[89], compose society (job market, citizenship, trade, family, love and reproduction or rule of law and democracy, for instance) as well as about their interaction and the way that interaction conditions individual identities (gender, culture, class or beliefs) is precisely what makes Beck define the current stage of modernity as *reflexive*.

However, once again Beck does not present an exhaustive proposal of the institutions that this reflexivity should address in order to grant their transformation. Moreover,

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[84] *Idem* p.185

[85] Beck (1995), p.13

[86] Beck, Lash, Giddens (1994) p.26

[87] *Idem* p.27

[88] Beck (2007), pp.25-26 or Beck (1997), p.175

[89] The concept "Institutions" is used in two different senses: we may refer to them as legally settled institutions - which normally derive from a formal arrangement such as a contract, a statute or an act of public legitimation - or as socially settled institutions - i.e., those interactions that, regardless of their formal or informal nature, follow a consolidated social pattern or structure: monogamy, for instance, could be considered the institutionalisation of love in western societies; patriarchal structures as the institutionalisation of gender. Democracy or liberal democracy being the clearest case to present the difference: it is an institution of modernity by itself but, in the meanwhile, it is composed of several institutions.

sometimes it is not clear whether Beck has an overarching conception of the Second or Reflexive Modernity or, on the contrary, whether he is identifying the elements that define the paradigm change along the way. If we assume his account of reflexive modernity, shared with many other scholars such as Anthony Giddens, Scott Lash or Jürgen Habermas[90], as an adaptive theoretical framework that could be applied case by case, then this lack of exhaustiveness will not be problematic. However, if on the contrary we believe his view has a set intension, then it is problematic insofar as the further inclusion of new objects of study (such as love, means of communication, religion or work) may lead to conflictive or even contradictory understandings of the paradigm change. The best example, as will be explained in Chapter 2, is the role that nations play in his understanding of second modernity: in some cases, he may hold that we need to get rid of them in order to duly reflect the paradigm change (i.e., to overcome zombie categories) while in other cases, depending on the topic at stake, he seems to assume that despite the need to transform them, they are necessary institutions. Moreover, as Luke Martell rightly states[91], his lack of explanatory rigour when building a theory and his works' dependence on context led him to present statements which end up being contradictory[92]. However, as Sørensen and Christiansen argue, this might be so since Beck's proposal constitutes "a theory under ongoing development"[93]. In other words, Beck was permanently adapting his statements either based on the criticism he received or the unavoidable weight of reality and its evolution.

Still, it is not clear whether his reflective modernity presents concentric elements of a single proposal or a mere juxtaposition of different proposals[94]. In either case, modernity and its transformations are the core of his work. After all, the word "modernity" is even part of the subtitle of his most well-known work - *Society of Risk: Towards a* ***New Modernity*** - or on a key sample of his cosmopolitan proposal - *The Cosmopolitan Europe: Society and Politics on the* ***Second Modernity***. Despite the lack of systematic theoretical approaches on his work, the core of this transition to a new stage of modernity could be fragmented in five main factors: multidimensional globalization, radicalized individualization, a global environmental crisis, a gender revolution and a third industrial revolution[95]. As the table below from Sørensen and Christiansen (2013) shows (figure I), those changes happen due to two major breakdowns: (1) the logic of territorially bounded nation-states and (2) community rooted individuals is substituted by a (1') post-national world society and (2') a process of communities' dissolution.

[90] While Giddens and Lash explicitly share Beck's view on reflexive modernity, Habermas merely shares, in his own proposal of modernity as an unfinished project [Habermas (1985), Luvizotto (2013)], the idea that there is a continuity in Modernity (as opposed to the rupture defended by other accounts of modernity).

[91] Martell (2008)

[92] In Chapters 3, 4 and 5, I uncover those contradictions referring to the normative elements of his Cosmopolitan proposal, but they also appear when referring to his approach to global inequalities (Martell 2009), the limits of individualism (Dawson 2010) or climate policies (Martell 2008).

[93] Sørensen & Christiansen (2013) p.135

[94] I would be in favour of the interpretation of his work as a single, evolutive and mainly methodological research agenda. However, once again, this will in no way condition my review of the normative elements underlying his cosmopolitan proposal.

[95] Sørensen & Christiansen (2013) p.33

FIGURE I: From first to second modernity. Illustration of how the five processes of change come together to transform the premises of first modernity[96]		
FIRST MODERNITY	5 PROCESSES OF CHANGE	SECOND MODERNITY
Territorially bound, state-centred *nation*-states (nation and society are convergent)	**1. Multidimensional process of globalization** **2. Radicalized process of individualization** **3.** Global Environmental Crisis **4.** Gender Revolution **5.** The Third Industrial Revolution	The post-national world risk society (the impossibility of a nation-state-based organization of society and economy)
Collective life patterns in macro groups/class societies (programmatic individualization)		The dissolution of the communities and basic institutions of industrial society (the nuclear family, class, neighbourhood, etc.); gender revolution or a 'normal chaos of love'

The meaning of both elements on Beck's proposal - the logic of territorially bounded nation-states and community rooted individuals - is explained in detail in Chapters 2, 3 and 5, from different angles. Nevertheless, to locate his paradigm change, the relevant aspect of Beck's reflexive modernity is that the perfectly delimited boundaries, standards and dichotomies coming from first modernity are not operative anymore. As he states:

> "the world of first modernity is ordered by a system of dichotomies and dualisms that allocates members of society their place in a categorical order; this order contains only those ambivalences and ambiguities which (according to the prevailing viewpoint) can be overcome in principle time and again through procedures by which order is re-established. (...) In first modernity it always seemed possible to decide what was scientific knowledge and what was not, which phenomena were of human and which of natural origin, who belonged to the territorial state society and who did not, where the boundaries of companies were to be drawn and where those between the private and public sphere, where national relations stop and international relations begin"[97].

In the thesis, I focus on the implications that this dissolution of boundaries has for the first two issues addressed by Beck: the multidimensional process of globalization and the radicalized process of individualization. However, as opposed to Sørensen and Christiansen, I do not consider that those categories they introduce could be addressed as separated processes, either empirically or theoretically. Nevertheless, as mentioned in the introduction, Beck and his reflection were always closely linked to the events at his time. Therefore, even if it is true that in each of his works, particularly in the books, Beck places more emphasis on some features of the paradigm change than in others[98],

[96] Figure I is a variation of the one presented by Sørensen & Christiansen (2013) p.34.

[97] Beck & Lau (2005) p.10

[98] Climate Change - Beck (1986), Beck (1995), Beck (2007) -, labour market and third industrial revolution - Beck (1999) -, gender and family - Beck (2011) -, globalization and institutional arrangement - Beck (1997), Beck (2002c), Beck (2004a), Beck (2004b) - or individualisation - Beck (1994), Beck (2008) -, etc.

this could be considered a mere contingency with no hermeneutic explanation. In other words, I consider that Beck differs from other social-scientists who tend to analyse specific topics and develop theoretical frameworks for each of those topics. Instead, he aims to develop an overarching theory of Modernity. In a way, throughout his vast work, he is doing nothing but applying the reflective approach to the diverse institutions of modernity. Let us analyse this in detail, both from an empirical and a theoretical perspective.

I consider Sørensen and Christiansen's approach to Beck's theory of Reflexive Modernity empirically inaccurate because, as Beck asserts - due to his confessed popperianism[99] -, his work is permanently adapting to inputs coming from the socio-political reality at stake. As Dr. Tomeu Sales Gelabert shows[100] in his research, Beck's 1986 book *Risk Society* was influenced by three main technological progresses ("high technologies"): nuclear energy, chemical-systematic engineering and biomedicine. Beck believes that those progresses materialize the cultural critiques that emerged during the late sixties and early seventies[101]: environmentalism, feminism and pacifism, with their corresponding student revolts. More specifically the German State's division and the subsequent ideological tensions, the nuclear crisis during the Cold War, the anti-Fordism environmentalist movement of the 70s or the rejection of the Vietnam War marked his work in a transversal way. In all those examples, that are on the basis of Beck's early intuitions about the change within modernity, the impact on individual biographies cannot be addressed without also considering the multidimensional globalization process in which they are framed. In other words, as I explain in section II, the globality of the risks radically conditions the way individual biographies are constructed. But that same forced individualisation also conditions the way we address global risks in their globality. As Beck himself affirms, the transversal character of those risks makes them part of a single, multidimensional and overlapping process: there is a "continuity of the modernizing process"[102]. Therefore, the division of both categories (individualisation and globalisation) may be useful to organise his work, as a static theoretical proposal, but it still clashes with the dynamism that results from the empirical dependence of his work.

From a theoretical perspective, this is also clear. If we assume, as I do, that Beck's Theory of Reflexive Modernity is a research agenda rather than a closed theoretical picture, then none of its elements could be considered an isolated element. Moreover, I would say that the categories they identify present boundaries that are too defined and that are contradictory with the ground assumptions of Beck's Reflexive Modernity. Regarding the specific aspects of their classification that I address in this thesis, this limitation is clear enough: is it possible to understand the multidimensional process of globalization without addressing the radicalized process of individualization? Are they not two sides of the same coin? Could we understand reflexive modernity without addressing the mutual dependency of globalization and individualisation? Is there not a connection between the impossibility of nation-states to foster the basic principles of modernity and the transformation of individual attachments, identities and interests? In other words, would the process of globalization be possible, as Beck understands it, if

[99] Beck is constantly reviewing his own previous proposals, presenting each of his new works following a sort of trial and error methodology.
[100] Sales Gelabert (2009) p.49
[101] Beck (1986) p.18
[102] *Idem* p.31

individuals had still been perfectly linked to hierarchical and closed social structures? The answer, as will be further explained in Sections II and III, is necessarily no. This does not mean that we may not separate specific elements of his work in order to ease the analysis, but only if it is due to mere analytical purposes and being perfectly aware of their partial condition. Otherwise, any attempt at applying his research agenda without considering, at least as background guidelines, all the dimensions (or non-dimensions) of his theory will necessarily fail. That is, precisely, what I have attempted with this first chapter.

Having analysed the meaning of Second Modernity as a transition instead of a rupture as well as its reflexive character, we may wonder which is the driving force that has led to second modernity. In other words; what has generated the awareness of the need to change the basic institutions of modernity? Where does this self-awareness or reflexivity of modernity come from? From the risks that, according to Beck's theory, modern societies have created. Those are the main issues that the following section will address: his theory of (global) risk society and the above mentioned impacts of individualization and globalization.

Section II: From the Risk Society to the Global Risk Society

In this second section, I first present the key elements of Beck's Theory of Risk Society. Then I proceed to introduce his understanding of individualisation and globalization as the main impact of this global risks generated by modernity. The aim is to present the causes that lead him to elaborate a cosmopolitan proposal.

Theory of Risk Society

The most enlightening way of introducing Beck's theory of Risk Society is to mention his statement about smog: while inequalities and insecurity may keep being delimited within first modernity's basic institutions (mainly the nation-state and class, in this case), pollution does not understand borders or nationalities. Pollution may have different effects on different individuals, to some extent depending on divisions from first modernity[103], but no one is free from its effects. This very intuitive and basic principle that he already stated in 1986 still has very complex implications. Beck believes that the modern logic of risk distributions introduces a fundamental change within modernity itself: it is a transformation inside the system, not a system change. In that sense, Reflexive Modernity is a new stage of modernity in which industrial social models are transformed even though there is no revolutionary transition – as in the previous paradigm changes[104]. According to Ulrich Beck, this transformation has a clear political implication[105]: the breakdown of modernity resulted in a scenario in which global risks become the main political issue. According to this view, risks have led to a reflexive self-study of society as traditional institutions are unable to control social, political, economic and individual risks. As those risks led to unpredictable and unknown situations, the traditional political order – in which politics were divided in isolated and hierarchical containers, such as the workers, the nationals, the Christians, etc. – is incapable of dealing with them. This change is reflected in three main social areas directly affecting the individual: our relationship with natural and cultural resources[106], the relationship with those risks we ourselves have created and the break with initial modernity's sources of collective meaning[107]. This break with the traditional schemes of modernity makes it vital to reconsider political activity, that is to say, to

[103] Beck's view changed from an initial phase where he plainly rejected the basic institutions of first modernity to his last works (i.e., the transition from Beck 1986 to Beck 2007, to mention two comparable works), where he admitted that some of those basic institutions might still work insofar as they may prove able to transform. That is to say, he agreed that it was not, as it seemed in his initial works, that first modernity's institutions stopped providing valid categories or divisions: individuals and societies still operated, to some extent, following class, nation or gender divisions and attachments. Instead, he insisted that (1) those categories were no longer capable of explaining social reality by themselves and (2) political action should neither take those categories for granted nor limit its scope solely them, because otherwise the subjects we address will not be currently existing subjects but mere alleged ontological impositions of modernity.

[104] Beck (1994) p.15

[105] *Idem* p.17

[106] It is important to highlight that even if I do not address the technological factors implied by the paradigm change -i.e., implied by the evolution from first to second Modernity -, they play a key role in Beck's diagnosis of modernity [Beck (1997) p.91].

[107] Beck (1994) p.21

reset the rules and bases of decisions, relations of validity and critical approaches. Let us analyse, then, some of those elements in detail: the idea of risk itself, the scope of those risks and, in the next part of the section, the impact of those risks in modern societies.

FIGURE II: Ulrich Beck's use of the terms 'risk' and 'hazard' (since 1986)[108]

Period	*Examples*	*Term*	*Cause*	*Possibility of avoiding harm*
Pre-modern society	Natural disasters, epidemics	Hazards	External causes	People are exposed to the events and cannot avoid them
Industrial society	Unemployment, accidents (traffic, work, etc.)	Risks	Man-made	People can (in principle) avoid them or insure against them
Risk Society	Radioactive leaking, gene technology, holes in the ozone layer, global warning, terrorism	Self-jeopardy, man-made disasters	Man-made	Peoples are exposed to the events, cannot avoid them and cannot insure against them

The main idea we need to address is the idea of risk itself. According to Beck's account, the objective feature of risks existed in previous times, either in nature or as a result of human action. Regarding the society from which Beck believes we have departed, the industrial society, this is perfectly clear: pollution or war, as objective risks, came long before the rise of the Risk Society. Moreover, modernity itself generated the institution of insurance[109] to cover the increasing risks generated under its development (See Figure 2). However, the novelty of his view, as presented back in 1986, is that contemporary risks as *unintended side effects* of the industrial society or first modernity are not insurable anymore. To insure against them, you need standardised categories of risks that are not available in second modernity. The production of wealth and security, as basic principles of the industrial society, led to the rise of "new kinds of risks and man-made disasters or hazards"[110]. Those risks, however, are neither objective - and, therefore, manageable risks - nor subjective - i.e., dependent on perception. The definition of these new risks is permanently contested: that is the key issue, that Beck conceives of risks as those phenomena that condition the modern way of life regardless of their potential objective blurriness and subjective misperception.

As Fiorella Mancini puts it through the metaphor of the flags that are used to inform about the state of the sea[111]: yellow, red or green flags indicate the objective level of risk of the sea. If it is red, it is very risky. If it is green, there is no objective risk. If it is yellow, there is a certain level of risk that the bathers may consider (i.e., they may assume self-responsibility regarding the potential risk). The subjective perception of the risk, in turn, refers to the position individuals assume regarding the state of the sea. That is to say, it refers to our personal position towards the phenomena that certain level of objective risk represents (some may be more afraid of the waves than others, for

[108] Figure II is a variation of the one presented by Sørensen & Christiansen (2013) p.16
[109] Beck (1997) pp.78-82, 103
[110] Sørensen & Christiansen (2013) p.23
[111] Mancini (2015) p.6

instance). In the risk society, this division is diluted and we end up living with a constant yellow flag status: a situation where regardless of the way we may define the objective state of the sea (the materiality of the risk) or our perception (our inclination/aversion toward/to risks), we are in a permanent state of alertness that forces us to constantly reflect and decide upon the way we want to tackle risks.

Despite not being the focus of my thesis, this idea of self-generated risks and whether those phenomena existed in previous eras has been a constant inquiry vis à vis Beck's proposal. Moreover, sociological debates ask whether those risks referenced by Beck are not, ultimately, hazards: risks that "do not affect any particular area or demographic"[112]. Beck himself avoids presenting patterned definitions of risks throughout his work: risks as the result of industrial overproduction with global effects[113]; risks as determinable, calculable uncertainties that result from technological-economic decisions[114]; risks as socially normalised but scientifically unframed catastrophes[115]; risks as the cultural perception of risk and permanent social state of alarm[116]; or risk as a changing factor of modernity[117]. However, regardless of its lack of definition (probably because of the difficulty in presenting clear delimitations in second modernity), it is quite clear which risks Beck refers to in his work: man-made disasters in broad terms. As Beck himself states, "what do events as different as Chernobyl, global warming, mad cow disease, the debate about the human genome, the Asian financial crisis and the September 11th terrorist attacks have in common? They signify different dimensions and dynamics of world risk society"[118]. As I mentioned, Beck offers an adaptive diagnosis. As Fiorella Mancini holds, besides a diagnosis of the core transformations within modernity, Beck also offers a chronicle about our era, a review of the everyday life of second modernity[119]. In that sense, insofar as societies transform impulsively, his understanding of risk also transforms[120]. In any case, the relevant element in my approach to his theory of the risk society is not his definition of Risk but the scope of the paradigm change. Let us see what this means.

The paradigm change results from the role these risks have on the socio-political arrangements of society. In previous historical eras, risks existed but did not condition power relations, social dynamics or even political struggles. At least not in a way that forced us to critically question the very basic institutions and principles of each era. Second Modernity, however, introduces the paradox of modernity: we know that modernity has succeeded in its purposes[121] as we come to be aware of the risks it has created and how those risks threaten the modern project itself. Up to a certain extent, risks have equated all individuals[122]: famine is hierarchical, it affects those who are on

[112] Sørensen & Christiansen (2013) p.15
[113] Beck (1986) p.33
[114] Beck (1995) p.77
[115] Beck (1997) p.33
[116] Beck (2007a) pp.23-44
[117] Innerarity (2011) pp.23-27
[118] Beck (2002a) p.1
[119] Mancini (2015) p.
[120] The clearest example of this feature of Beck's theory of Risk Society is that while in 1986 he was mainly referring to climate risks, in 2002 he reframed the concept to include global terrorism after the 9/11 attacks [Beck (2002a)].
[121] Sørensen & Christiansen (2013) p.9
[122] Beck (1997), p.99

the lower social stratum of society. Pollution, on the contrary, affects everyone or, as Beck corrected himself, may end up affecting everyone[123] (although this self-nuance has also been criticised as insufficient[124]). Realizing that transformation is precisely what makes modernity reflexive. If humanity wants to persist, just as modernity was a reaction to feudal times, we need to reflect upon the risks we have created. Following the example that Beck used throughout his work, pollution is not new, but what is new is the role pollution plays in society. The same applies for the issues of war, unemployment or global means of communication: societies already experienced those changes during early modernity. However, they addressed them from the traditional categories and dichotomies of industrial societies: those affected or involved were easily identifiable and homogeneous. The rise of global risks dismantled these clear-cut divisions assumed by first modernity in a way that makes it necessary to reconsider basic institutions and their interaction.

Following his idea of transformation *within* modernity (instead of rupture *from* modernity), I argue that the relevant change identified by Beck with his Theory of Risk Society is a change of scope. As Sørensen & Christiansen state, "Industrial Society has always polluted the environment - that is a part of the proverbial package - but it is only once the matter of pollution itself obtains the status of a problem in the minds of the population - once pollution becomes a prominent matter of public debate - that the transition from industrial society to risk society occurs"[125]. Instead of taking for granted the categories (basic institutions and principles) generated within modernity, Beck reminds us of the inevitability of critically rethinking them to address the risks generated by modernity. That is to say that we may want to maintain traditional forms of social, political and economic organisation (that Beck identifies with the Westphalian order of nation-states[126]), but the need to change them to face the risks and their impact on society will keep as an imperative. This is precisely what identifies Beck's approach within the Critical Theory tradition (see Section III for a further analysis): "the way in which the other is presented and represented within the framework of global risk publics is essential for establishing morality in the world"[127]. In other words, Beck argues that global risks force us to critically rethink fundamental categories of modernity. Societies, if want to maintain their attachments to the basic principles of modernity (as they overwhelmingly seem to will, according to Beck[128]), cannot turn their back on risks: none of the traditional priorities of the nation-states can be addressed without implementing the scope introduced by global risks[129]. In other words: political representatives can no longer deal with issues of employment, gender equality, cultural diversity, industrial or agricultural production, security or communications without considering the potential and undelimited risks to which their societies are subjected.

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[123] Beck recognises that we are not on a global equality of risk: pollution, he says, chases the poor [Beck (1997) p.8]. However, he still considers that the consequences will end up affecting everyone regardless of the boundaries defined during first modernity.

[124]Following Luke Martell (2009), Beck's contextual universalism - according to which risks impact regardless of actual territorial, political, economic, cultural or social boundaries, but their impact differs depending on the context - underestimates the existing "power relations and inequalities" [Martell (2009) pp.259-263]. This debate is further addressed in Chapter 2 - Section III and Chapter 5.

[125] Sørensen & Christiansen (2013) p.11

[126] Jarvis (2007) p.33

[127] Beck (2009) p.4

[128] Beck (1994), Beck, Bonss & Lau (2003) p.6, Beck & Lau (2005) p.8, Beck (2009) p.7

[129] Sørensen & Christiansen (2013) p.18

They need to "anticipate the catastrophe"[130], because once the catastrophe has happened the rest of the priorities automatically (i.e., not as the result of any voluntary action) shift to the background. The question, then, is how does this change of scope transform the socio-political reality of second modernity (or the present era).

Individualization as the main feature of a (Global) Risk Society

According to Beck[131], this is the impact of the risks that modernity has generated: the change on the way cultural, economic, political and social patterns operate, both individually and collectively. Referring to the latter, it is precisely within this collective transformation generated by risks where the global dimension of the risk society arises, changing the way we deal with politics: the global dimension of the objective risks makes the challenge that we need to address global, that is to say, it invites a global answer. While institutions keep operating as if the divisions and homogeneous pictures of society that were raised during first modernity persist, Beck argues that globalisation is already an ongoing multidimensional reality. This multidimensional globalisation could be synthesised in two main descriptive statements (neither of which is exempt, as the thesis will show, of controversy when referring to their normative implications): the blurring of the nation-state borders and heterogeneous individualisation[132]. The first one refers to the perception that we have overcome the container divisions of societies, internally and externally. In other words, internally the idea that societies were contained within perfectly delimited nation-states (meaning that there was a perfect overlap of nation and society) and, externally, that the divisions between each of those nation-states were also perfectly clear (meaning that each nation-state contained societies that followed homogeneous patterns). This view is not compatible with the transformations that have occurred within modernity: none of these perceptions corresponds to the actual features of societies or with the interactions that affect them in second modernity. Or, as Beck states, the fact that "Globality means that we have been living for a long time in a world society, in the sense that the notion of closed spaces has become illusory. No country or group can shut itself off from others"[133]. Beck's account of globalisation, in this sense, is nothing but the reflective realisation of globality. The second, in turn, refers to the fact that the processes in second modernity show that individuals are getting more and more dis-embedded: "more processes show less regard for state boundaries – people shop internationally, work internationally, love internationally, marry internationally, research internationally, grow up and are educated internationally (that is, multi-lingually), live and think transnationally, that is, combine multiple loyalties and identities in their lives – the paradigm of societies organized within the framework of the nation-state inevitably loses contact with reality"[134]. It is important to note that Beck considers both features of globalisation as

[130] Beck (2007a) p.188

[131] Beck (1992) p.49

[132] Note that Beck distinguishes Globalization from Globalism and Globality. In his work [Beck (1997) p.26], globalism means, the replacement of politics by the global market. That is to say, it refers to the so called "neoliberal" ideology. Globalism, in turn, refers to the descriptive statement that we already live in a global society [Beck (1997) p.27]. The three distinctions will be further explained in Chapter 2 sections II and III and critically addressed in Chapters 4 and 5.

[133] Beck (1997) p.10

[134] Beck (2000) p.80

irreversible, which is precisely why there are *zombie categories*[135], because there is no chance that reality will move backward and they will become valid once again[136]. In this case, in Beck's view, the categories of nation-state and national community are, precisely, the target of his reflection.

While the thesis is focused on the normative implications of these transformations - which are addressed through a critical review of Beck's explicit or implicit normative assumptions -, I also assume that the scope of the paradigm change as argued by Beck might be challenged both quantitatively (i.e., the actual relevance of those transformations in relative terms) and qualitatively (i.e., the actual impact of those transformation on the individuals). However, I still believe that Beck's claim - i.e., that societies need to assume globality as an ongoing reality - is valid. I argue this - as I explain in Chapter 4 - mainly because of the impact globality has on our everyday lives (what Beck calls everyday cosmopolitanism) and the level of interdependencies that, without meeting nation-state borders, condition social and political facts. As Sorensen and Christiansen state, "our usual way of distinguishing between 'us' and 'them' more or less collapses or is, at the very least, rapidly losing meaning and significance. We are all, by now, decisively in the same boat"[137]. My view, which is at a certain level opposed to Beck's view, is that what is at stake in second modernity is not as much the "loss" of meaning and significance of the 'us' and 'them' dichotomy, but the transformation of it. In other words, the distinction does not vanish, in descriptive or normative terms, but changes both its framing and its implications. The former means that it is no longer obvious what is and is not inside: the clear-cut in/out division is neither operative nor particularly relevant anymore[138]. The latter means that even though the distinctions persist, they no longer have the moral, legal and political implications they used to have in first modernity (as a means of exclusion, hierarchization and homogenization of the social order). That is to say, I agree that Globalization is an ongoing phenomenon that makes it necessary to rethink our basic institutions in order to assign new responsibilities. But I disagree that this implies breaking away from the us/them dichotomy by arguing that what we need is to transform its normative reach. I develop this view in Chapter 2, when addressing the normative debates within cosmopolitanism, and more specifically in Chapters 3 and 4 (when I review Beck's idea of nation and demos).

Although in Section III - and throughout the thesis - I address the institutional arrangement that Beck proposes as an answer to this transformation, it is important to note that Beck frames his Risk Society as part of the ongoing process of globalization. Nevertheless, the need to address global risks in their global dimension (i.e., within their "globality", as Beck states[139]) is only possible in a world where the political, cultural, social and economic divisions of the nation-states[140] are either dissolved by (early

[135] Sørensen & Christiansen (2013) p.64

[136] *Idem* p.63

[137] *Idem* p.20

[138] "A reflexive and post-conventional community is one in which we are prepared to sacrifice ourselves for others, not because those others have always been part of us but because we understand that the interests of those people – given the risks we share or the tasks we have undertaken with them – have in fact become part of us" Innerarity (2014) p.14

[139] Beck (1997) p.28

[140] Sørensen & Christiansen (2013) p.32

Beck[141]) or compatible with (later Beck[142]) the factual existence of global interdependencies. Little wonder, those interdependencies (the global exchange of energy resources, financial assets, trade, mobility or information) are directly connected with the rise of global risks because of industrialised patterns of life. Nonetheless, Beck already stated in 1986 that risks "affect everybody, everywhere, for a non-specific period"[143]. In a way, it might be said that risks generated by modernity are global both because globalization offers the means to make them global and because globalization offers the means to tackle them. The question, then, is how does this affect the individual per Beck. Nonetheless, it is not for nothing that an adequate articulation of the local-global dimension following Beck's proposal necessarily involves a particular understanding of individuals and their socio-political interactions.

According to Beck, in this context of multidimensional globalization, individuals are the core element. Neither the process of globalization nor the process of individualisation can be addressed as separate phenomena. Individualisation presupposes globalization and vice versa. However, just as we cannot take for granted the implications of Globality as an empirical reality, we should also study what Beck describes with his notion of individualisation so that we may then reflect about its implications. Nevertheless, globalization and individualization are both the reflexive focus and the force of modernity[144]. As opposed to early modern societies, where both traditional forms of life persisted and basic institutions operated based on a container conception of society, in second modernity individuals are at the centre of the globalisation process. As Beck argues, individualisation means dis-embedding from the traditional forms of life: that is to say, abandoning the traditional unproblematic (or unproblematized, to be more accurate) attachments and divisions of first modernity. However, Beck believes that this is just the first step. Following his idea of transformation within modernity (instead of rupture), Beck believes that once individuals have managed to reflect upon their traditional forms of life and critically dis-embed from them, they are forced by global risks to produce, represent and combine new forms of embedding[145]. In other words, individualisation means the dissolution of the industrial society's certainties[146], which leads to a forced individualisation of the subject (echoing Sartre's idea of humans being condemned to be free[147]). The consciousness of the risks and the way they affect our life changes the scope from standardised biographies to chosen biographies, reflexive biographies[148]. How could individuals uncritically assume their national attachments if the nation to which they are attached is constantly questioned by reality (by, for instance, transnational financial flows, the incapacity to deal with climate change alone or the impact that decisions taken on the other side of the world have on the national job market)? That is the triple dimension of reflexive modernity as stated by Beck: the human-made uncertainties that blur our traditional divisions, the global dimension of that reality and the reflexive individualization this generates.

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[141] Beck (1986) p.67
[142] Beck & Sznaider (2011) p.430
[143] Beck (1988) pp.120-122
[144] Beck (1995), p.140
[145] *Idem* p.28
[146] *Idem* p.29
[147] Sartre (1946)
[148] Beck, Lash & Giddens (1994) p.30

The agenda or basic principles of equality and freedom fostered by first modernity - particularly by the institutions of liberal democracy (such as universal enfranchisement) and the welfare state (particularly when it comes to education) - have enabled the spread of "several social and political rights to every individual in society"[149]. The radicality of this process, says Beck, comes precisely from the fact that those same institutions that promote those conditions that make individualization possible (new demands from the labour market and the educational system connected to it[150]) are no longer capable of offering a pattern of individualisation[151]. As Professor Innerarity states[152], exceptionality is not a valid category anymore: pluralism dissolves the idea of a normal or central identity. This is, once again, the paradox of second modernity: the institutions that provide the conditions to accelerate individualisation (institutionalised individualization[153]) are no longer capable of providing individuals with certainty or direction[154]. Individuals cannot choose not to be individualized[155]. This does not mean that biographies are the mere expressions of voluntary choices, as liberal individualism may state[156]. That is the view promoted during first modernity (see Figure III) that, despite the initial misunderstanding his work generated, he clearly rejected: despite their *potential* equalising impact, *actual* risks (and their consequences) are not equally distributed. Furthermore, it is precisely because of the unequal distribution of risks that Beck still shares the idea of class[157].

[149] Sørensen & Christiansen (2013) p.32

[150] Beck (1997) p.163

[151] Beck (1995) p.164

[152] Innerarity (2006) p.147

[153] Sørensen & Christiansen (2013) p.58

[154] *Idem* p.42

[155] Beck (2000) p.83-84

[156] Beck opposed the liberal view that saw social inequalities as the result of diverse individual talents, skills and endowments [Mancini (2015) p.4; Beck (2002a) p.6]. Opposed to that view that views individualism as the core principle of society, Beck considered individualization an empirical process that changes the interaction between individuals and institutions. Moreover, he argued that the individualization process had a tragic dimension in second modernity [Beck (2006) p.8] as it confronts individuals with two opposed dynamics: suffering the effects of the limitations of the institutions to deal with global risks while being obliged to meet their requirements in order to grant individualisation. That is why sub-politics, new collective actions that do not match the traditional institutions or boundaries of first modernity, are the key means to the re-embedding that Beck identifies in second modernity (see Section III).

[157] Even if the debate about the meaning of class divisions nowadays is one of the key aspects discussed regarding Beck's work, I focus on the category of nations and the division between nationalities. However, just as with this latter topic, Beck is neither clear about the meaning of class divisions in the late twentieth and early twenty-first centuries. Once again, the main contribution would be the call to stop taking for granted either the meaning or the category of class itself. Thus, even if we may conclude that is a valid category, we may definitively transform the subjects it is addressing and the way this basic institution operates in Second Modernity. Nevertheless, this issue should be addressed in further research.

Figure III: Simple individualization versus reflexive, radicalized individualization[158]	
First wave of individualization	*Second wave of individualization*
Replacement communities: class, status, family, nation	Replacement communities are subjected to fundamental changes and loss of significance
Born into a certain status and class	Born into the framework of second modernity: institutionalized individualism.
Nature and tradition will decide: religion, gender, identity, marriage, parenthood.	Must be chosen/created/invented by the individual: 'Who and what would you like to be?'

Therefore, risks oblige everyone to permanently rethink their biographies, but not everyone has the same opportunities to do so: risks, in fact, exacerbate already existing inequalities. The case of mobility is the clearest example: climate change or war, as global risks, may force individuals from directly involved countries to move to indirectly involved countries. This will surely affect the biography of both the individuals who are moving and the individuals who are receiving them. However, the possibilities that each of the individuals must decide on the way this new reality will determine their identities is clearly uneven. Even those who are not capable of moving will see their identities affected by the way their basic institutions can deal with global risks. The rise of uncertainties, boundary dissolution and social acceleration resulting from global risks forces individuals to permanently rethink their biographies, but it does so conditioned by the institutional realm in which they are located. The basic institutions of modernity (welfare state, job market and education system[159]) still condition the terms of that reflection: it is "important to distinguish between institutionally individualized opportunities to make decisions and institutionally individualized obligations to make decisions"[160]. Therefore, individual biographies are not "linear and narrative biographies"[161] anymore.

The question, then, is how does this individualisation affect the design of renewed basic institutions of modernity? How does reflexivity based on the individual affect basic institutions? Is it true, as Beck argues[162], that as a consequence of reflexive individualization, institutions are no longer focused on collective entities or communities? What are the institutional consequences of assuming the contingent and porous nature of our collective sources of mean? How can we make compatible the dissolution and reshaping of traditional frameworks of attachment with the unequal distribution of risks and uncertainties that threaten the basic principles of modernity? Moreover, how can we avoid the regressive trends that claim a withdrawal of first modernity's institutions – which are no longer operative? Those are, precisely, the challenges that Beck aims to address with his cosmopolitan proposal: the challenge of articulating a society that, while it is not the sum of non-related individualized biographies[163], neither can it go back to the perfectly delimited and identifiable traditional collective sources of meaning.

[158] Figure III is a variation of the one presented by Sørensen & Christiansen (2013) p.52
[159] Beck (1994) p.14
[160] Beck (2007b) p.682
[161] Beck (2007a) p.583
[162] Beck & Beck-Gernsheim (2002) p.22
[163] Beck & Lau (2005) p.25

Section III: the need of a Cosmopolitan turn in Global Politics

In the third and last section, I introduce the main aspects of Beck's Cosmopolitan proposal. First, I introduce the distinction between cosmopolitanism and cosmopolitanization, focusing on the distinction between normative, methodological and descriptive. I follow by presenting his political reaction to the ongoing cosmopolitanization as well as its scope. I conclude by introducing the three normative elements that I will further analyse through the following chapters.

The cosmopolitanism / cosmopolitanization divide

As we have seen, Beck argues that the rise of global risks generated by modernity has led to a forced process of globalization and radical individualization. This, in turn, has implied the need of reflecting about the basic principles and institutions that used to rule in first modernity. We need to do so, according to Beck, not as an alignment with a particular theory, but as an imperative: there is no alternative. Insofar as traditional institutions of modernity are no longer capable of dealing with the global risks that they have generated, we need to critically rethink those institutions. Otherwise, we are not only threatening the basic principles that we want to pursue, but our mere existence. The world that those institutions aimed to deal with, a world with perfect boundaries and homogeneous communities[164], has transformed in a way that the basic institutions of modernity are not operative anymore. That is the diagnosis that leads Beck to elaborate his own critical review of the divisions, categories and concepts of first modernity: i.e., his Cosmopolitan Account. The key aspect of this account is that, instead of framing it within the normative debates on cosmopolitanism, he aims to present his cosmopolitan view as a merely descriptive proposal. That is to say that, allegedly[165], he does not address the traditional philosophical inquiries of cosmopolitanism: are relations relevant when defining our moral duties towards other individuals? If so, are national bonds a morally relevant kind of relation that justifies patriotic partiality (i.e., that defines our rights-duties regarding other human - or even non-human - beings)? Is there a right to external self-determination? Does it have any connection with territoriality? Is there such a thing as group rights? Is diversity intrinsically good? If so, for what reasons? Is it possible to have legitimate political rule beyond the nation-state? If so, can it be democratic? Which are the implications of these debates in policy-making fields such as fiscal distribution, supranational integration, global governance, international trade, conflict resolution or transnational human rights protection? Notwithstanding, despite

[164] The most valuable element of Beck's diagnosis is that - as will be explained in Chapter 3 - even if his account of communities might not be accurate, his conclusions may still work. In other words; even if historians, anthropologists, ethnographers and geographers may prove that in first modernity communities were not as homogeneous and delimited as Beck argues, his theory will not necessarily be wrong. Nevertheless, the relevant aspect of his work is not how societies actually were, but how institutional arrangements, social relations and political dynamics - as well as social sciences - in first modernity presupposed that societies were. He considers that in First Modernity those elements operated as if societies were homogeneous and clearly delimited. Moreover, they operated reasonably reliably in that conception of society. Whether that was empirically accurate or not will not necessarily imply cancelling Beck's diagnosis.

[165] I hold in the thesis that even in those works where Beck intends to limit his analysis to descriptive features, his descriptions actually offers a normative framework that is neither neutral nor innocuous.

supposedly not addressing those debates Beck does mention several advocates of philosophical cosmopolitanism in his work: Jürgen Habermas, Martin Albrow, David Held, Gerard Delanty and Michael Zürn, to mention some recurring references. However, he mainly refers to them to clearly separate his account from theirs. In a way, he considers those normative (or ideal[166]) debates as a matter of intellectual elites[167], instead of the rooted cosmopolitanism that he claims to address. However, when doing so, he leaves aside many key cosmopolitan authors: Simon Caney, Joshua Cohen, Cécile Fabre, James D. Ingram, Lea Ipy, David Miller, Jeff McMahan, Martha Nussbaum, John Rawls, Peter Singer, Philippe Van Parijs or Will Kymclicka, to mention just a few[168]. Be that as it may, in Chapter 2, I locate Beck's cosmopolitan proposal within the normative debates of cosmopolitanism. Before doing so, I shall first reconstruct the main features of this cosmopolitan account.

As mentioned, Beck does not consider his cosmopolitan view as a normative proposal within the philosophical tradition of the Enlightenment (despite the confessed influence of Kant's thoughts[169]). Instead, he holds that his contribution is a mere description of the ongoing process of cosmopolitanization in which we are involved. Moreover, he believes that cosmopolitanism is nothing but a potential and coherent result of reflexive modernity: a theoretical, ideological or normative standpoint vis à vis the ongoing process of globalization and radical individualization. Beck himself believes[170] that the work of conceiving political communities and their functioning in the word risk society is a project as necessary as incomplete. However, he is not very focused on those debates, but on the need for breaking the methodological equivalence of society and the nation-state as well as for identifying the new dominant patterns: "sociology observes, measures and comments on its phenomena, for example, poverty and unemployment within a national context rather than in the context of world society. Within this frame, the theme of globalization means that there are an increasing number of social processes that are indifferent to national boundaries"[171]. Beck believes that if we want to maintain the basic principles of modernity, we then need to transform our basic institutions with a cosmopolitan intent. In the particular case of his cosmopolitan view, this implies that while the basic principle of statehood prevails, the basic institution of the nation-state is subjected to change[172]. Or, as Sorensen and Christiansen summarise it, in Beck's view, nation-states will maintain some level of power in a globalised world if and only if they are able to "reinvent themselves"[173]. Therefore, we may first review what exactly methodological nationalism means in Beck's account.

The early modern assumption of methodological nationalism, Beck argues, was based on a real nationalism or a nationalist reality. Nationalism, he holds, was the main

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[166] Beck (2006) p.13; Beck (2011) p.3; Beck (2012) p.12

[167] Beck (2011) p.3, although it could be argued whether Beck himself was a member of such an intellectual elite. I would rather say that Beck holds this position in the sense of considering cosmopolitan debates as merely theoretical discussions far from social reality.

[168] I refer to these authors, who share some fundamental principles but also differ in many aspects, throughout Chapters 2, 3, 4 and 5. I refer to them when contrasting the normative elements underlying Beck's cosmopolitan proposal with the key normative debates on nationalism and cosmopolitanism.

[169] Beck (2000) p.22 Beck (2009) p.3

[170] Beck (1997) p.12

[171] Beck (2000) p.2

[172] Beck & Lau (2005) p.532

[173] Sørensen & Christiansen (2013) p.65

principle that ordered societies. In second modernity, in turn, two opposed dynamics are at stake: the prevalence of methodological nationalism and an increasing cosmopolitanization of reality (he even refers to the term "banal cosmopolitanism"[174], in line with Michael Billig's analysis of "banal nationalism"[175]). He believes that "the national perspective is a monologic imagination, which excludes the otherness of the other. The cosmopolitan perspective is an alternative imagination, an imagination of alternative ways of life and rationalities, which includes the otherness of the other"[176]. The critical issue of this ongoing cosmopolitanization is that it is not the result of a normatively based or ideologically committed political agenda: in a way, it is the result of the unintended consequences of modernity, the ongoing transformations vis à vis the rise of interdependencies and global risks. In other words, it might even be considered an unintended consequence itself[177]. This means that regardless of their will, both nation-states and individuals can no longer take decisions based merely on their own interests or common destiny. Even if that was their intent, cosmopolitanization will interfere with any decision-making process: whether those decisions are more or less operative will depend on our way of assuming that new cosmopolitanization of reality.

The clash between both alternatives - i.e. between methodological nationalism and cosmopolitanism - has clear implications on fundamental policy issues such as: decisions on taxation rates for transnational corporations (with a downward bargaining between states that, in global terms, ends up going against the very basic principles and goals of modernity)[178], job market regulation (how can nation-states avoid that global trade leads to an unfair salary competition or exploitative practices?)[179], foreign policy (the distinction between internal and external policies - i.e., internal and foreign affairs - becomes blurred)[180], security (with the threat of global terrorism that proves the wrongness of neoliberal discourses that advised about the upcoming global pacification as a result of internationalising free market and diminishing state power)[181], legitimacy of political institutions (as the traditional sources of legitimacy - i.e., human rights and international law - are resourced contradictorily by nation-states inasmuch as human-rights violations are used as an excuse to violate sovereignty: Kosovo bombings by the UN[182] and Second Iraq War[183] being his most recurrent examples)[184] or environmental policies (is Japan - or any other nation-state - entitled to unilaterally make decisions on nuclear energy after Fukushima? Beck holds that we need to address the sociological dimension of climate change before adequately answering these kinds of inquiries[185])[186]. Unlike during first modernity, all these matters can no longer be duly addressed by methodological nationalism or axiomatic nationalism. In Beck's view, the nationalist

[174] Beck (2006)
[175] Billig (1995), which will be further referenced in Chapter 2 Sections I and II as well as Chapter 3.
[176] Beck (2002a) p.2
[177] Beck & Grande (2004a) p.119
[178] Beck (1997) p.4
[179] Beck (1999)
[180] Beck (2000) p.5
[181] Beck (2002a) p.8
[182] Beck (2000)
[183] Beck (2006) p.7
[184] Beck (2004b)
[185] Beck (2010) pp.255-257
[186] Beck (1995; 2016)

perspective of first modernity "involves both the routines of data collection and production and basic concepts of modern sociology such as society, social inequality, state, democracy, imagined communities, multiculturalism, and, for us in Europe, our understanding of the European Community"[187] that have been dissolved in Second Modernity. Instead, Beck considers that nation-states should recognise that "these state organized national 'containers' have long since ceased to exist as empirical realities"[188] as well as the subsequent "cosmopolitan moment of world risk society"[189] in which we are. Otherwise, they will not be capable of providing the basic principles of security and democracy they claim to provide since first modernity[190].

That is why he proposes the alternative of a cosmopolitan view or methodological cosmopolitanism. He opposes the conception of second modernity's societies as container societies for empirical reasons. But he also opposes giving in to the "enemies of cosmopolitanism"[191] for practical reasons: the triumph of a politics of human rights that, in fact, is covering a new "civil religion"[192] of the global free market, individualism and western imperialism. That is to say, he opposes those who theorise in favour of maintaining the nation-state as the primary source of meaning while omitting the transnational consequences of unruled global capitalism. Those opponents of cosmopolitanism are the ones who, in his view, consider globalisation as a phenomenon that occurs either within or beyond the nation-state, ignoring that the transnational flows of capital, resources and even individuals no longer match a nationalist pattern (i.e., answer to a logic that has little to do with the actual borders and power relations of the international society). In contrast to this account, he believes we need to fuel the reflection process of second modernity with a cosmopolitan reason[193] or cosmopolitan common sense[194]: "the awareness of a global sphere of responsibility, the acknowledgement of the otherness of others and non-violence – as defining features of a 'de-territorialized' concept of cosmopolitanism"[195]. Only in this way will we be able to adapt basic institutions of modernity - and their relationship with individuals - to the new globalised world. That is to say, to duly develop the "cosmopolitanization of nation-state societies"[196].

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[187] Beck (2011) p.2, where he enumerates the elements of first modernity that he identifies as part of the transformation. In the following chapters, I challenge some of the transformations that he identifies: either arguing that they have not been subjected to such a transformation or accepting that they have changed but providing a new understanding of that change.

[188] Beck (2004b) p.173

[189] Beck (2007a) Ch. 3, Beck & Sznaider (2010) pp.390-393

[190] The nation-state's promise of security and democracy is one of the issues that I address in the thesis, mainly contrasting Beck's proposal with the Global Democracy debates: Robert Goodin, Eerik Lagerspetz, Philipp Petit, John Rawls, José Luis Martí, Daniel Innerarity, Neus Torbisco, Allen Buchanan, James Bohman, David Miller or Jürgen Habermas, to mention some key references. I do so both from the perspective of the theoretical debates about democracy beyond the nation-state (Chapter 4) and the legitimacy of supranational institutions (Chapter 5).

[191] Beck (2002b)

[192] Beck (2004b) p.137

[193] Beck (2005) p.212

[194] Beck (2011) p.423: "We can talk of a cosmopolitan common sense when there is good reason to assume that where these universalist minimums are considered valid, the majority of people are prepared to defend them if necessary".

[195] Beck (2002b) p.20

[196] Beck (2002a) p.7

The problem, according to Beck, is that this methodological shift he proposes is not only justified but necessary. Otherwise, if methodological nationalism persists, basic institutions of modernity will not only keep being incapable of dealing with the challenges they are forced to face but will even worsen their consequences. As Beck himself argues, it is not a matter of voluntary choice (as cosmopolitanism might be[197]): "we are all trapped in a shared global space of threats - without exit. This may inspire highly conflicting responses, to which renationalization, xenophobia, etc., also belong"[198]. However, Beck argues that it can also provide new opportunities to foster the basic principles of modernity[199]: democracy, equality, cooperation or citizenship. He holds that it will depend on the extent that politics are capable of assuming the ongoing cosmopolitanization: if they transform in order to address the already transformed reality, Beck believes that we may advance the principles of modernity. If, on the contrary, we keep assuming methodological nationalism as the only valid perspective, global risks may end up giving effect to their potential threats of destruction. In what follows, I present the main implications of this change in perspective, that is to say, his understanding of cosmopolitan politics.

Cosmopolitan politics (and their scope)

Before introducing this last aspect of Beck's work, precisely the one that contains the underlying critical assumptions that I introduce in Chapter 2 and critically review throughout the thesis, there is one additional concern regarding his methodological cosmopolitanism that conditions its translation into politics: its cultural, western or even Eurocentric bias. Nevertheless, more than a few authors[200] have accused his work of being mainly focused on the transformations that happened and are still happening in western societies (ignoring the multiple modernities proposal[201]). Moreover, some of them go even further and directly label his work as European instead of cosmopolitan[202]. Raymond Lee, for instance, argues[203] that despite not being clear whether Beck himself delimits his diagnosis of the transition from first to second modernity to the European context [204], if his theory wants to offer a valid diagnosis of modernity, it should also consider non-European expressions of modernity. Otherwise, he says, we will not properly apply the new sensitivity about boundaries advocated by reflexive modernization proponents. As for Luke Martell, he holds that Beck's logic "runs the risk of replacing Westernization perspectives with one in which power and

[197] "Cosmopolitanism in Immanuel Kant's philosophical sense means something active, a task, a conscious and voluntary choice, clearly the affair of an elite. I prefer to talk about mundane or everyday cosmopolitization, drawing attention to the fact that an increasingly cosmopolitan reality simultaneously produces unwanted and unobserved side effects that are not intended as "cosmopolitan" in the normative sense" Beck (2011) p.3.

[198] Beck (2007a) pp.56-57

[199] Beck (2000; 2005)

[200] Sørensen & Christiansen (2013) pp.129-130

[201] Eisendstad (2000); Argyrou (2003); Shield (2006); Latour (2006); Lee (2008), Martell (2009), Calhoun (2010), Gilroy (2010), Delanty (2009), Connell (2010), among many other references that, although I will not thoroughly address them in the thesis, I reference in Chapters 2 and 5.

[202] Lee (2008)

[203] *Idem* pp.57-59

[204] Beck, Bonss & Lau (2003) p.7

inequality is glossed over by an attempt to resurrect understandings of the inputs of non-Western societies. When different global societies meet, there are often some that have greater economic, political and ideological power. To highlight this fact is not to endorse it"[205]. In a way, he believes that Beck undermines the unequal impact of modernity around the world and the way this unevenly conditions both the multiple modernisation processes that are going on nowadays and their impact in global power relations.

Beck does address those critics as he answers that even if his work is rooted in Europe, it has a cosmopolitan intent. The key nuance is that he is rooted in Europe insofar as he has mainly analysed European cases of the ongoing cosmopolitanization process, but while doing so, he has not embraced a European sort of cosmopolitanism with universal intent. In other words, "the false universalism implicit in sociological theories cannot be uncovered by looking at Europe from a European standpoint. It can only be 'seen' by looking at Europe from a non-European perspective, that is with 'Asian eyes' (or 'African eyes', etc.), in other words by practising methodological cosmopolitanism! Methodological cosmopolitanism not only includes the other's experiences of and perspectives on modernization but corrects and redefines the self-understanding of European modernity"[206]. Be that as it may, I will not delve deeply into this debate as a whole. That would require more specialized research. However, I do address part of that debate in two different but connected dimensions: the way literature on minority nations and indigenous peoples deals with the diverse diagnosis of modernity and the way this may challenge Beck's cosmopolitan view (Chapter 3) as well as the way Beck's proposal of a Cosmopolitan Empire for Europe fails to overcome the either/or logic regarding the rest of the world (Chapter 5). Particularly in Chapter 2, I do so by reference to both the western / non-western democracy debate (with particular emphasis on Richard Young's work[207]) and in Chapter 5 with regard to findings about the impact of the colonial past on the European integration process (with a special focus on the results of the research project coordinated by Kalypso Nicolaïdis, Berny Sèbe and Gabrielle Maas[208]). Ultimately, I assume that the value of Beck's proposal is not on his prophetic character (although the tone of his works sometimes might be misleading), but on the conceptual possibilities he opens. I believe that this reflective need he states will continue to be valid even if empirical data may prove that he was not completely right on the diagnosis or even if case studies show, as I aim, that his conclusions were not completely right. Nevertheless, I do not believe that this debate necessarily affects the normative analysis of his work. That is precisely the added value of a philosophical review of his work: that may bring to light contradictions within his work regardless of the actual scope of his statements. That is to say that my critical review would still be adequate even if it might be true that Beck's work shows a western or European bias. I analyse the reasonableness of his proposal; whether it follows its own logic, whether it is coherent with the principles he aims to foster. If the conclusions should be restricted to a certain cultural, social or political domain (such as the western or European realm) is something that I address in Chapter 5 but that would not necessarily jeopardise the normative review of his cosmopolitan view.

[205] Martell (2009) p.259
[206] Beck & Grande (2010)
[207] Young (2015)
[208] Nicolaïdis, Sèbe & Maas (2015)

Therefore, before going into a deep analysis of his work, we may briefly introduce his account of cosmopolitan politics where the normative elements of his cosmopolitan proposal flourish. The main consequence of this reassessment says Beck, is that politics are not governed by rules anymore, but they now work on modifying the rules themselves in order to deal with the new situation. Similarly, politics are no longer only practiced by traditional institutions, but also by many other political agents: social movements, financial markets, etc. The basic principles of modernity are no longer fostered just from the political sphere, but from the *non-political* (according to first modernity categories) or *subpolitical* (according to second modernity standards) domains[209]. As Beck himself recognizes, this implies a loss of nation-state power – in *schmitian* terms, i.e., understood as a loss of power monopoly – and a delocalization of political power itself. The principle of statehood is endangered by the cosmopolitanization of reality. Little wonder, states keep being enclosed in the *Westphalian* model of self-contained nation-states. This model forces states to interact transnationally, but without an adequate distribution of costs and benefits[210]. This ends up generating a permanent political paradox: those who have the authority to rule – nation-states – present an apparent lack of output legitimacy, while those who apparently have a strong output legitimacy – globalised active citizens – present a strong lack of political authority[211]. Still, neither can reach an optimal level of efficacy. As Sørensen and Christiansen state, "no longer do nation-states get to define the boundaries and frameworks for economical activities; these days it is the other way around, with global economics dictating how politics and nation-states ought to perform and act"[212].

The most innovative contribution offered by Beck to ease this needed adaptation of First Modernity's basic institutions is the very simple but still powerful logical change he holds: the substitution of the either/or logic of methodological nationalism by the both/and logic of methodological cosmopolitanism[213]. That is precisely on the basis of his Cosmopolitan Politics, this is to say, on the way he considers that his move towards a cosmopolitan view should be implemented into politics. He argues that the either/or logic artificially maintains the exclusive and perfectly delimited categories and divisions of modernity: either national or foreigner, either us or them, either local or global, either integration or sovereignty, either sustainability or economic growth, either human rights or international law, either job creation or fair global trade, etc. The cosmopolitan awareness that should rule politics in second modernity arises when we realize that maintaining this logic leads to several contradictions. Furthermore, it leads to a failure when trying to address the challenges of second modernity.

These contradictions and lack of operative value arise as we are on a global risk society. That is why according to Beck, global threats generate global risk communities[214]. He argues that sharing the awareness of global risks can unite a community that does not necessarily share territorial or identity components. Moreover, cosmopolitan awareness brings to light the fact that nation-based definitions of risks hinder the political control

[209] Beck (2006)
[210] Beck (2009a) p.103
[211] Beck & Sznaider (2011) p.422
[212] Sørensen & Christiansen (2013) p.67
[213] Beck (2004b) pp.62-66
[214] Beck (2013)

of transitory transnational hazards. That is why the *new meta-game of global politics*[215] is rooted in a profound critique of traditional nation-state orthodoxy. The national outlook sees states as national and territorial. According to Beck, this outlook presents a gated conception of societies based on language and identity differences. He believes that the political management of global risks is still subjected to ethnic, national or geographical contingencies. As a result, global risks management clashes with the methodological nationalism of nation-states (which still maintains the either/or logic). This ends up hindering the allocation of responsibilities and driving the return to uncertainty and insecurity.

In any case, Beck believes that under the pressure of this transformation process, opportunities for alternative action are rising in every fields of human activity, as they are modifying the political challenges and our fundamental beliefs. The main one is that, due to the global nature of those risks, we abandoned the state based friend-enemy dichotomy as the main International Relations principle. As opposed to this, he considers that risk-sharing may be the basis of community formation that will not necessarily be territorially defined. As we are members of a global risks community, this confronts each community with the others, mixing its own people and strangers. In cosmopolitan terms, nationally defined risks hinder the control of transnational dangers. Risks draw their power from the violence of the dangers, which deletes all protected areas and all intra-international social differences (while it creates new ones), making it essential to develop a cosmopolitan conception of coordinated sovereignties. Politics are no longer about institutions that have an a priori legitimation to use violence. Politics are now defined in terms of power, turning basic institutions of modernity into agents of power among many other things. First modernity's hierarchy, boundaries and national determination that led to a monolithic understanding of political legitimacy have given way to multidimensionality, boundary-less and national contingency that led to a pluralistic understanding of political legitimacy (no longer restricted to nation-states). Social movements and markets (subpolitical agents, according to his theory) act globally, while traditional political institutions (political agents) are still territorially and nationally defined. This leads to a scenario in which political institutions are trying to act at the supranational level – even when it is an institutionalized order – defending nationally defined interests[216]. This conception of politics that keeps being the dominant one is, therefore, unable to cope with the problem of global risks. That is why, Beck argues, we need a cosmopolitan turn both in politics and the social sciences.

I agree with this statement. In fact, I agree regardless of the more specific debates that Beck's proposal has raised, that the modern paradigm has evolved and the basic institution of the nation-state needs to transform. The descriptive efforts that he did throughout his career to prove this cosmopolitanization process, despite the nuances and critics, point in the right direction. But I do not agree that his work merely has methodological implications. As I will argue in the next chapter, Beck also provides us with normative guidelines that need to be addressed: both for analytical rigour and to avoid allowing his proposals to lead to unfair or even counterproductive results[217]. Thus, I argue that his cosmopolitan methodology presents at least three elements with clear normative implications: the national secularism principle, the idea of risk communities, and the cosmopolitan empire project. The first one refers to the debates about the moral

[215] Beck (2005) p.103
[216] Beck (2009a) p.103
[217] *Idem* p.133

dimension of national self-determination (understood either as autonomy or as non-domination). The second one refers to the debates about the political implications of that moral debate and his idea of global citizenship. In other words, it refers to the issue of how we define political communities or embedding in a cosmopolitan realm. Finally, the third issue refers to the legal-institutional arrangement of those communities in a globalised world. More particularly, it refers to Beck's proposal of a cosmopolitan Europe. I will continue, thus, by locating those elements within the main cosmopolitan debates. In a way, I will translate his statements to a language that might fit the normative debates on those issues. In this way, I enable the normative discussions on Chapters 3, 4 and 5 where, up to a point, I follow his purpose of rethinking the basic institution of the nation-state in a transforming world.

2. BECK'S COSMOPOLITAN VIEW: BETWEEN SOCIAL THEORY AND POLITICAL PHILOSOPHY

Ulrich Beck's Cosmopolitan View is developed throughout his work. In his Theory of Risk Society (1986), we already find a statement that is perfectly coherent with his last publication, The Metamorphosis of the World (2016). In the former, he states that risks generate "the breakup of borders and are fundamentally democratic, as well as obliging humanity to join the civilizational self-threats (...) The risk society overcomes, though the threatening dynamic it generates, the nation-state borders as well as alliance systems and economic blocks. While class societies are organized as nation-states, risk societies generate communities of risk that, at last, can only materialize at the frame of the world society"[218]. In the latter, he still refers to changes that "cannot be mastered with the usual concepts and instruments. Accordingly, the result is a 'reformation' of the nation-state order of modernity. By 'reformation', I mean a meta-politics, a politics of politics, a politics that reshapes the nation-state understanding and corresponding norms and institutions - not in all possible directions and counter-directions, but with the aim of cosmopolitan renewal and the extension of the transformative potential of national politics"[219]. Nonetheless, Cosmopolitanization is nothing but the way Beck conceives Critical Theory in the Second or Reflexive Modernity. Therefore, regardless of the topic he may address each time, the cosmopolitan intent is a constant feature. This purpose, the way Beck himself applies his cosmopolitan outlook to his research as a methodological standpoint, is clearly exemplified in the following cases as analysed in his work:

- *Climate change*: in 1995 Beck already believed that fighting climate change required changing the "cultural symbols and experiences that govern the way people think and act"[220]. Otherwise, he believed that the risk of climate change would not be addressed as a matter of highest objective urgency or in its global dimension[221]. As an example, a French citizen might consider, from a national outlook, that the Spanish regulation on oil transportation has nothing to do with French politics. However, when the Prestige boat sunk in 2002 in front of the Galician coast after several controversial decisions taken by Spanish political actors, French coasts were also affected by the ecological catastrophe.
- *Medical technological progress*: as the new reproductive techniques are breaking down traditional forms of biological determinism, Beck believes that we continue clinging to traditional forms of parenthood. This is reflected in the way we keep using "inadequate, misleading, controversial, provocative - even, for some, offensive"[222] linguistic formulas deriving from nationally framed traditions, such as: mother/fatherless mothers/fathers, sperm donors, gay fathers, surrogate mothers, etc. Beck highlights how, at the same time, families are constituted as being "distributed across continents in accordance with the rules of global inequality and the global division of labour"[223]. Therefore, as the unintended (and unaware) consequences of technological development keep

[218] Beck (1986) p.67
[219] Beck (2016) p.30
[220] Beck (1995) p.47
[221] *Idem* pp.131-132
[222] Beck (2016) p.26
[223] *Idem* p.27

shaping reality beyond traditional divisions, maintaining the national outlook regarding family and reproduction (prenatal childhood), will only lead to accentuating those global inequalities.

- *Integration of migrant populations*: Beck argues that most of the integration problems arise from mistaken perception[224]. Instead of addressing the dynamic, adaptive and heterogeneous realities of migrant populations, integration policies - despite their alleged good intention - still depart from a monocultural and mononational scope[225]. This approach ends up projecting the conflict to cases and contexts where, once first modernity's categories are unveiled, either there is no conflict or conflict is explained with factors that have little to do with the subject's origin. In a concrete case, this applies to the requirement to teach national history to a recently welcomed underage refugee instead of teaching him or her objectively more necessary tips about the specific city and region in which he or she will reside. From the national outlook, it is hard to adequately decide whether we should teach a Syrian refugee in Dresden about Germany instead of teaching them the knowledge needed to understand their situation and the new everyday reality in which they are involved.
- *European integration process*: Beck believes[226] that instead of profiting from the Euro crisis to foster political integration within the EU - i.e., instead of promoting cooperation to address such a transnational risk, Germany imposed their national view. The problem, according to Beck, is that this led to a self-fulfilling prophecy: while Germany fostered their national view as a way to ensure their interests, this stance generated a zero-sum dynamic that, due to the level of interdependencies within the Eurozone, ended up going against Germany's own interests. If, instead, Germany would have assumed a cosmopolitan outlook, says Beck, they would have understood that there was no clear-cut division between their interests and those at risk in the Euro crisis.
- *Economic development*: the countries that are still on a high-carbon industrialization 'stage' of economic development (particularly China and India) cannot be addressed from a national outlook. Otherwise, on the one hand, those countries will legitimately claim their due right to develop economically. On the other, countries that already have a higher level of economic development will claim that countries in an earlier stage of development cannot develop at the expense of climate change. Beck argues that neither of these views is valid. Instead, he believes that both perspectives should be considered from a global perspective[227]. Those countries with a higher level of economic development should assume the responsibility for providing low-carbon innovations to the countries who seek economic development. In other words, while every country may duly claim their right to development, they should also assume the aim of minimising global risks.

In all these cases, Beck's primary aim is not arguing in favour of the Cosmopolitan View: he is ostensibly grasping reality as it is, that is to say, in its ongoing cosmopolitanization. He is highlighting how the ways in which the social sciences currently address reality limits the transformative potential of those same social

[224] Beck (2007c) pp.52-58
[225] *Idem* p.55
[226] Beck (2011) pp.89-97
[227] Beck (2013) pp.14-15

sciences. That is why he considers his cosmopolitan account as merely descriptive: he is not showing how things should work in the above-mentioned cases; he is showing how they actually work as opposed to how social sciences keep assuming they work. Little wonder, Beck's intent, throughout his career, has always been to capture reality in its full complexity and actual features, not as the available theories and concepts allow us to approach it. That is why he does not consider his cosmopolitan view as a normative proposal but as a mere descriptive approach that aims to critically overcome the limitations settled by first modernity's standards. In this second chapter I will attempt to show the extent to which his cosmopolitan view confirms this alleged normative neutrality.

To do so, I start by first identifying, in Section I, the descriptive-normative distinction in the cosmopolitan debates. I do so by analysing the proposals that Beck claims/believes are (merely) descriptive[228] (i.e, adapting social sciences to the ongoing cosmopolitanization of the world) and the historical grounds of philosophical cosmopolitanism. Regarding the main descriptions of the ongoing cosmopolitanization, although I will not present an exhaustive review, I detect the main nuances/controversies between Beck's account and other sociological approaches. In the case of the philosophical debates, I present a broad picture of the historical evolution of cosmopolitan theories. In Section II, I present the three main areas of contemporary normative cosmopolitanism: cultural, moral and political cosmopolitanism. I argue that we can synthesize a minimum normative set of principles that should be compatible with any attempt to elaborate a cosmopolitan agenda. In Section III, I hold that Beck's cosmopolitan view, notwithstanding the potential critics, offers a valid minimum methodological standard to build a cosmopolitan agenda capable of dealing with the transformations or metamorphoses within modernity. However, I also argue that even if he presents this minimum descriptive standard as a mere methodological proposal and, subsequently, as normatively inert, his cosmopolitan view is far from being neutral. It implies strongly controversial normative assumptions. I hold that these normative flows limit the transformative potential of his cosmopolitan agenda. I use the case of the 1936 bombing in Gernika to bring those limitations to light. I conclude by identifying the main normative elements that are conditioned by that assumption: national secularism, community of risk and cosmopolitan empire. I argue that none of these features of his Cosmopolitan View is an inevitable consequence following the above mentioned minimum descriptive standard. Moreover, they go beyond the minimum cosmopolitan normative standard settled in Section II and, therefore, clash with other relevant normative principles.

[228] Delanty (2009) p.4

Section I: does the normative-descriptive divide apply to cosmopolitan theories beyond Beck?

In this section, I first analyse the meaning of cosmopolitanism as a social theory about the paradigm change and the methodological turn it requires. I then present a historical approach to the main debates within cosmopolitan philosophy. The aim is to contextualize the descriptive-normative distinction presented by Beck in order to understand its plausibility.

Cosmopolitanism as a social theory about globalization

To understand the meaning of cosmopolitanism within social theory, we first need to settle a distinction between at least two dimensions: cosmopolitanism as a diagnosis and cosmopolitanism as a standpoint. The former refers to the more descriptive claim about the world, the latter to the way we may address that world (either methodologically or normatively). It is crucial to duly understand this distinction in order to adequately analyse Beck's cosmopolitan proposal as a methodological claim[229]. Even if the distinction might work in theory, it is not clear in the social theorists' works. The descriptive account refers to the main socio-political features that characterise the world and the way those features evolve through time and space. In a way, it aims to offer a better picture of the reality addressed by social scientists without resorting to a previous conception. However, if we test this intention through, for instance, the work developed by feminist social theorists, the difference between the description of the world and the scientist's position vis-à-vis that world gets blurred. Feminist social theories describe the structural gender patterns that rule the socio-political world. They describe, for instance, how gender defines the roles taught to children within a certain cultural framework, wealth-power distribution or the way rights are assigned and granted, both formal and actually, to individuals of each gender. Feminism in turn, as a school of thought influencing most of the social sciences, aims to analyse, understand and transform that reality. Feminist social scientists, thus, may analyse, for example, how social roles assigned in childhood condition individual behavioural patterns in adulthood, understand why this happens, argue whether these dynamics are correct and, if not, make proposals to transform those wrong, harmful or unfair trends.

I hold that the feminist case - like other transformative programmes promoted by, among others, social scientists - shows how the descriptive/normative distinction is somehow artificial. If feminist social theorists would not have a preconception, an intuition or, particularly, an experience of gender inequalities they would not be able to elaborate a systematic description of the world that may explain those inequalities. In that sense, we need to differentiate the actual experience from the systematic description. The actual experience of gender inequalities might be neutral, but their

[229] "This [Beck's methodological cosmopolitanism] rests on a distinction between normative or philosophical cosmopolitanism - roughly identical with classical cosmopolitanism and much of contemporary cosmopolitan political philosophy - and empirical-analytical cosmopolitanism. The latter is a social-scientific attempt to examine processes of cosmopolitanization in so far as they are really existing. This distinction is between the cosmopolitan 'condition' and the cosmopolitan 'moment', with the former referring to the standpoint of philosophical cosmopolitanism and the latter its empirical manifestation in social reality" Delanty (2009) p.81

systematic description is not. The actual or *ad hoc* experience of, say, gender violence is not dependant on the standpoint we might have regarding gender equality or feminism. The actual experience, in that sense, could be considered neutral. Even a woman who may deny such gender patterns will experience gender inequalities. Embracing a feminist outlook is not necessary to experience gender inequalities. However, a systematic description of gender inequalities necessarily requires a gendered understanding of the world. Otherwise, it will be a mere sum of actual experiences with no reasoning behind it, which will provide little grounds to duly understand the phenomena or to make proposals in order to change it. Feminism, in that sense and broadly, is both a diagnosis (the systematic description of gender inequalities) and a standpoint (the perspective that aims to overcome those inequalities). Separating both elements might be necessary for meta-analytical reasons (i.e., for the thorough analysis of feminism itself as a school of thought). But when addressing actual feminist theories and theorists, the distinction offers little clarification. My hypothesis is that similar circumstances apply when we address the distinction between cosmopolitanism as a descriptive diagnosis and a methodological/normative standpoint. The distinction might work at the individual level, where cosmopolitanism can be a cultural feature, but it does not work when we try to apply it systematically. Or, as Gerard Delanty states, the normative foundation that a cosmopolitan outlook provides to the social sciences is hardly deniable[230]. Whether scholars working on cosmopolitanism are aware of both dimensions or are focused on just one of them depends on each case. But the fact that they may not be aware does not make the distinction less artificial. Having clarified the actual limits of the distinction in broad terms (I will come back to this in Section 3), in the following, I will sketch the main features of descriptive cosmopolitanism as defended by social theorists. This will allow me to show the actual limitations that this distinction implies for Beck's cosmopolitan agenda

Social theory has long argued in favour of a paradigm change in social sciences, particularly regarding what Robert Fine calls the "moribund national framework"[231]. The underlying claim is that the concept of society as well as the actors and interactions within society can no longer be explained, at least solely, through the framework of the nation-state. They believe that since the Treaty of Westphalia, the socio-political evolution of the world has followed the narrative of independent nation-states. There is a sort of teleological reconstruction of modern history where the division between nation-states is the main driving force. In a way, they hold a view of history in which we can identify a pattern, a direction towards certain specific scenario: in first or early modernity, this *end of history* (as Peter Wagner puts it[232]) equates the post-westphalian order of nation-states to some extent. In other words, social theorists seem to assume that, when the social sciences uncritically depart from nation-state divisions, they are assuming that division as the definitive step of human progress. Moreover, social theorists argue that this trend is shared not only by social scientists, but also by the different actors that shape the world: citizens, public institutions, companies, media or even cultural agents. Subsequently, the world's evolution and shaping since the eighteenth century continued to be anchored along the nation-state division and since then on has been the main explanatory factor for the social sciences. Human progress seemed to end, at least in terms of social organisation, with the rise and consolidation of the nation-state division.

[230] Delanty (2009) p.3
[231] Fine (2007) p.5
[232] Wagner (2001) p.83

Social theorists reject this idea. They argue that reality has proved to change in a way that can no longer be adequately analysed, understood and transformed from the national outlook. In second or reflexive modernity, socio-political patterns are about the cosmopolitan condition: the blurring of borders, differences and territorially settled forms of life. Therefore, social theory has turned, beginning in the 1970s[233], toward understanding how "the world is becoming and how our consciousness is changing with it"[234] in cosmopolitan terms. The idea of cosmopolitanization becomes an "orientation within modernity"[235] that helps us deal with new challenges raised by the context of globalization. In that sense, the social theorists who advocate for the alleged paradigm change are more focused on identifying the new descriptive patterns of the world than on systematically studying the past that, in their view, we are overcoming. They implicitly assume that methodological nationalism has shaped modernity in, at least[236], two senses: individually (banal nationalism) and structurally (the nation-state order of the world).

On the individual scale, the author who has further developed the idea of banal or everyday nationalism is Michael Billig[237]. According to his seminal work, nations and nationalism do not persist, regardless of their own origin, as elite driven ideologies but rather as banal reproductions of consolidated nations[238]. Elements such as symbols of money, flags, the naming of street, weather forecasts, anthems or even news are constantly reminding us of national divisions. Beyond the 'hot' expressions of nationalism (the ones that lead people to praise their nation in specific moments of effervescence, such as national elections, war or so called international affairs), banal nationalism is much more determinant for the persistence of the nation-state paradigm. Moreover, Billig argues, neither nations nor their features are natural objects but the reproduction of imagined communities: "the imagining of the nation is part of a wider ideological, discursive consciousness"[239]. An ideology that hegemonically dominates human mindsets to the point of assuming as neutral or even (instead of its intrinsic historical arbitrariness) the identification of a certain people with a certain culture and a certain territory[240]. In other words, individual identification of nation and society through the reproduction of "'mundane details' and 'quotidian realms' of 'social interaction, habits, routines and practical knowledge'"[241].

However, this is not the only dimension that descriptive cosmopolitanism, as developed by social theorists, wants to challenge. Other than the individual dimension of nationalism, cosmopolitanism aims to prove that we are also moving beyond the

[233] Fine (2007) p.11
[234] *Idem* p.17
[235] Delanty (2009) p.9
[236] I am not explaining in detail the nationalist paradigm that social theorists, as a whole, aim to overcome: both as that would be beyond the scope of this thesis (given the variety of views at stake) and because the view I am addressing in detail is, precisely, the one provided by Beck.
[237] There is a deep terminological debate on the use of 'banal' or 'everyday'. While both terms focus on the individual experience instead of focusing on the elites' purposes/uses of nations and nationalism, the term banal is more strongly linked to the passive or unreflexive experience, while those who advocate for the term 'everyday' seem to be more focused on the experience of differences and conflict. Nevertheless, for the purpose of this work, it is enough to highlight the focus on ordinary people's experience instead of the merely structural and functional approaches focused on the ruling elites.
[238] Billig (1995) p.38
[239] *Idem* p.10
[240] *Idem* p.53
[241] Edensor (2002) p.17, as cited by Knott (2015)

societal expressions of nationalism. As Delanty argues, "recent cosmopolitanism is much more than what is found in individual experiences; it has major societal expressions in, for instance, establishing an international normative order based on human rights and multicultural forms of political community in which cultural differences gain positive recognition. There are thus many ways in which it is possible to claim that cosmopolitanism is situated and therefore 'real'"[242]. The question, then, would be about the main features of the previous societal expressions of nationalism. According to social theorists - in permanent dialogue with historians, political scientists, anthropologists, legal theorists and philosophers, the international society ruled by the principle of the nation-state raised with the Peace of Westphalia in 1648. The main principle stated by the treaty was that the "sovereign would be accepted as the final source of authority within his or her domain"[243]. This principle settled the ground both for the institutionalisation of international law and the diplomatic system. Whether the principles that this treaty codified were new or already-existing is another discussion (that I briefly refer to when addressing the Kant-Hegel debate), but what is beyond a doubt is the swift response it generated: power started to move from monarchs as mere individuals (entitled by a divine election) to monarchs as representing sovereignty over a certain territorial domain. The evolution was slow and it took until the mid nineteenth century to complete the shift[244] from an international society of states representing individual sovereigns to an international society of nation-states (allegedly) representing the people. That is, on the cosmopolitanism account of social theory, the persisting impact of nationalism: the primacy of collective - national - self-interest as channelled through sovereign states and covered by the principle of non-intervention that dominated the world order... up until the mid twentieth century.

Both issues that I just briefly presented are what social theorists describe as a picture of the previous paradigm. They believe that the world's evolution since the 1950s can no longer be understood within that paradigm: even if both individuals and societies continue to insist on the fiction, the fiction will remain empty. They claim that the world that the nationalist view presupposed does not exist anymore: "the fact is that a particular version of the state, the nation-state, sought to create society in its own image. Thus, from a late modern perspective the state appears as primary and the social a sphere to be controlled by it"[245]. The evidence shows, as mentioned in Chapter 1, that it is no longer valid to take this identification between territorially settled individuals, nation and society for granted. Social theorists share this basic point of departure: the driving factor of the paradigm change is the openness of the world through the "encounter of the local with the global"[246], the cosmopolitanization of individuals, nations and society. The rise of a global public sphere, however disputed empirically, forces the "relativization of cultural values and the experience of contingency"[247] of nations. In a way, social theorists identify symptoms of the paradigm change, but none of them - except, perhaps, Ulrich Beck and the researchers within his school of thought - goes as far as providing a complete diagnostic of a world that is subsequently shaping. Instead, they appeal to a sort of immanent transcendence[248] within modernity: living in

[242] Delanty (2009) p.14
[243] Mayall (2013) p.538
[244] At least in Europe, the United States, Canada and, to a lesser extent, the republics in South America, following the influence of the French and American revolutions.
[245] Albrow (1996) p.43
[246] Delanty (2009) p.55
[247] *Idem* p.77
[248] *Idem* p.86-87

an interconnected world and realizing its interconnectedness leads humanity to rethink itself, either individually or in its diverse forms of collective expression.

In other words, social theorists seem to call cosmopolitanism the impact that globalization, broadly understood as a historical transformation[249], has had on the socio-political reality. Each author highlights the aspects that he or she considers most relevant within the paradigm change resulting from globalization, including the abandonment of traditional identities (Giddens 1991, Bauman 2006, Levy & Sznaider 2006, Delanty 2009), the rise of new institutional arrangements (Held 1995, Hall 1997, Habermas 2001), new interactions between markets-citizens-institutions (Varoufakis 2011, Rodrik 2012, Piketty 2014), new forms of exercising politics (Grande 2008, Castells 2010, Innerarity 2015) or the new relations between gender and power (Pulcini 2013, Fraser 2013). All of these authors depict the phenomena of globalization and analyze some dimensions of its impact, without necessarily self-consciously asserting their cosmopolitanism. The question, then, is whether this analysis of the multiple effects of globalization can be considered cosmopolitan if, as Beck intends in his work, they were setting aside any normative goals. This is to say, could it be the case that we describe the way global-trade is making the countries that are worst off even worse without assuming a cosmopolitan philosophy? Could we make this claim for supranational institutional arrangements not defined by a single identity without the perspective of cosmopolitan philosophy? Is it reasonable to challenge the way current nation-states affect the global distribution of wealth and levels of inequality without departing from a cosmopolitan philosophy? To provide a reasonable answer to these questions, we will first describe how cosmopolitan philosophy began.

Brief account of the historical grounds of normative cosmopolitanism

As in any other philosophical issue, there is no univocal understanding of cosmopolitan philosophy. Moreover, the attempted descriptions are pretty controversial in at least two senses that are relevant regarding Beck's proposal: the origin of cosmopolitanism as a philosophical tradition and its main principles. This subsection will address the former while I address the latter in Section II. Regarding the origin[250], we may track it back to ancient Greek Philosophy (the cynics ideal of world citizen or the stoics claim for an ideal cosmopolitan city), Chinese Philosophy (with the notion of *Tian Zia* or *Tianxia* as 'under heaven') or even Christian Philosophy (with Augustine of Hippo's idea of the City of God). However, none of these approaches could be linked to contemporary debates about cosmopolitanism. As Delanty argues, "the ancient expressions of cosmopolitanism were relatively marginal and not connected with mainstream trends (...) It was with modernity that cosmopolitanism took on a distinctive political and cultural identity and became more integral to the overall movement of modernity"[251]. One might reasonably argue that there were, as opposed to Delanty's claim, actual cosmopolitans in pre-modern times. Even if those pre-modern authors framed cosmopolitanism with a different scope (the one of their times), one might argue that there were actual cosmopolitan concerns both in their works and their lives. At least in the same way modern and contemporary advocates of philosophical cosmopolitanism

[249] Albrow (1996) p.93
[250] Delanty (2009) p.18-29
[251] *Idem* p.29

are actually cosmopolitan[252]. Whether or not this is the case (and it is not the purpose of this thesis to clarify this question), it is undeniable that it was in modernity that cosmopolitanism became a trend as a school of thought. The relevant lesson from the historical analysis, then, is a series of broad fundamental principles that cosmopolitanism has maintained: "the entanglement of the local in the global without prioritizing one over the other (...) cosmopolitanism as a dimension that mediates between the national or local and the global; it is not one, but a reflexive relation between both (...) Cosmopolitanism entails the positive recognition of difference and signals a conception of belonging as open"[253].

It is important to address how cosmopolitan philosophy began to be systematised in the late eighteenth century. Little wonder. That is when social scientists started to forge the divide between nationalism and cosmopolitanism[254], generating fake debates - as I address in Chapter 3 - on issues such as recognition, self-determination, territoriality, autonomy or nation-building. The Enlightenment project aimed to overcome the prevailing absolutism and dogmatism by locating humans (men, at that time) at the center of every socio-political domain. This led to two main ruptures: an initial period of internal ruptures from absolute monarchies, in the 17th and 18th centuries, and a second period in the 19th century also overcoming the modern empires. In broad terms[255], during the late 18th century almost 60% of the continental surface of the world was ruled by modern empires and 40% by other pre-modern expressions of sovereignty. This distribution became to decline in the second half of the 19th century. By that time, pre-modern regimes had already disappeared, in such a way that modern empires and nation-states covered almost half of the world's continental surface, preceding the definitive fall of modern empires and the absolute rise of nation-states. However, analysing the empirical evidence of such complex issues as institutional, legal and political arrangements of societies, peoples or communities, particularly backwards in history, is necessarily fallible[256]. The important element when we address such large or broad topics as humanity or modernity, in my view, are the underlying framing principles and categories. In the case of philosophical cosmopolitanism, this framing began, so to say[257], with Immanuel Kant and Georg Wilhelm Friedrich Hegel[258].

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[252] Enlightenment philosophers such as Voltaire, D'Alembert and Diderot, for instance, may reasonably be considered modern advocates of philosophical cosmopolitanism. However, they held views on race, foreigners, cultural plurality, gender or universal duties that in many cases would clearly be incompatible with present day philosophical cosmopolitanism. If we accept, as seems reasonable, that we may still consider these authors as cosmopolitan and advocates of philosophical cosmopolitanism, then we may apply the same criteria backwards. If, on the contrary, we settle on a strict content-dependant criteria, then not only will most of the modern and premodern authors fall out from the box of philosophical cosmopolitanism, but it will also be an anachronism to judge their claims with present-day parameters.

[253] Delanty (2009) p.22

[254] *Idem* p.43

[255] Breuilly (2013)

[256] If we analyse the Spanish case, for instance, we might see that externally there was a rupture between the early 19th century Spanish empire (despite already being in clear decline) and 20th century consolidation of the Spanish nation-state after the independence of Cuba and the Philippines. Internally, however, there was not much difference for Spanish citizens living in the present Spanish Kingdom, even less for the ones belonging to any of its minority nations. At least not more than the differences that might arise between citizens from an early 19th century nation-state and citizens from its present equivalent.

[257] The classic debates on cosmopolitanism - despite most of them not even being aware of the label - that Kant engaged in his work include authors such as Erasmus of Rotterdam, Jean Jacques Rousseau, Hugo Grotius and Samuel Pufendorf. Therefore, it would not be accurate to assume that, even within modernity, the debate began with Kant's appearance.

The former, Kant, developed his cosmopolitan theory as a part of his project of enlightenment[259]. Although it is not the aim of this thesis to thoroughly discuss the nuances of his proposal, there are three fundamental elements that we need to address to understand both the further Romantic reaction or evolution, led by Hegel, and its impact on contemporary cosmopolitanism, including Beck's proposal: its principles, realism and materialization. On the principles, Kant elaborated his proposal on the ground of natural law theory but opposed its actual expression in his time: perpetual war as a manifestation of a Hobbesian understanding of the state of nature in the international realm. As an alternative, Kant argued in favour of a scheme where three main principles ruled as a mean to "establish 'lawful external relations among states' and a 'universal civic theory'"[260]: international law as a way to grant peaceful exercise of the nation-state's sovereignty, non-interference and right of hospitality understood as the right of strangers to live in a foreign country. The way these principles would materialise was not self-evident, as he himself moved from the original proposal of a world republic to the less demanding project of perpetual peace[261]. However, in Kant's view, the principles referenced a realistic understanding of history and human progress. In his view[262], it was the historical ethos of modernity itself that was leading to a cosmopolitanism of the world. As Fine summarises[263], he based this statement on three main principles: *economic rationality* (trade between states is more plausible on a peaceful context), *political utility* (states can avoid the costs of warfare) and the alleged *affinity of cosmopolitanism* to *republicanism* (as republicanism requires citizen consent before states are allowed to declare war). Moreover, Kant believed that the natural law ruling over history was moving towards that scenario, regardless of opposite signs one might identify in the present. Despite this realism and the plea for humanity's progress towards such a cosmopolitan realm, he still realised that the cosmopolitan project was very much dependant on material constraints. Therefore, although on the basis of his cosmopolitanism, he reclaimed the republican ideal of the rights of man, he also assumed that those rights were granted within a particular nation (going so far as to argue that there are no rights beyond those granted by a nation). This tension "between the universality of the concept and its particular national existence"[264], as Fine puts it, was precisely what made him realize the limits of his normative proposal.

That is where the Hegelian turn or alternative was raised[265]. Once again, I do not aim to go deep into analysing Hegel's understanding of cosmopolitanism, state and nations/nationalism[266]. Instead, in the following, I broadly present the main elements of

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[258] For a thorough analysis of the Kant-Hegel distinction regarding their understanding of the nation-state and the global republic, see Requejo & Valls (2007)

[259] We may have found traces of his cosmopolitan proposal in the following works: *What Is Enlightenment?* (1784), *Idea for a Universal History With a Cosmopolitan Aim* (1784), *Conjectural Beginning of Human History* (1786), *On the Common Saying: That May be Correct in Theory, But It Is of No Use in Practice* (1793) and *Toward Perpetual Peace* (1795)

[260] Fine (2007) p.24

[261] Delanty (2009) p.33

[262] Kant (2005) pp.144-145

[263] Fine (2007) p.26

[264] *Idem* p.28

[265] Actually the attempt to go beyond Kant's cosmopolitanism can be traced back to the the wider German Idealist movement and its romanticism, where in addition to Hegel, we also find Schlegel, Fichte or Schelling. All of them shared - as stated by Delanty (2009) pp.39-41 - the goal of encountering other cultures, with special interest on the Indian culture, in order to improve the self-understanding of both world and, mainly, European 'spirit'.

[266] For that aim his main works are *The History of Philosophy* (1819-1831), *Lectures in the Philosophy of the World History* (1837) and, mainly, *The Philosophy of Right* (1821). In the following paragraphs I base

his normative framework that can be linked to the debate on cosmopolitanism as well as their relationship to the definitive rise of nation-states and the subsequent international order. This has particular relevance as Hegel's work has long been considered, from both liberal thought[267] and critical theory[268], as the theoretical ground for a world order ruled by fully sovereign nation-states. However, other authors[269] have contested this understanding, not being clear whether following Hegel's work necessarily leads to a conservative and exclusive nationalist view. In this thesis, I will not attempt to resolve this debate, although I will make further references in Chapter 3 and 4 to some Hegelian terms which are a commonplace in the literature on minority nations[270]. Be that as it may, I argue that given his historical relevance as a reaction to Kant's proposal, addressing Hegel's approach to the cosmopolitan project is necessary to understand the evolution from the modern notion of the nation to the territorially based nation-state and subsequent nationalism. Even more given that romantic authors argued in favour of their nation in periods when the idea of the nation-state did not even exist[271]. The main issue, then, is how did Hegel manage to make both issues compatible, that is to say, the dialectic between the particular existence of the nation and the universal assumption that human beings are entitled to certain rights-duties *qua* human beings. The key element, as Fine argues, resides in the fact that Hegel did not reject cosmopolitan principles, but the assumption that Kant turned "cosmopolitanism into a 'fixed position . . . in opposition to the concrete life of the state'; in other words, for turning the cosmopolitan idea into an 'ism' (…) Hegel's critique of cosmopolitanism was directed at Kant's abstraction of cosmopolitan right from the actuality of social and political life. What Kant forgets, as Hegel put it, is that right comes into existence 'only because it is useful in relation to needs' (Hegel, Philosophy of Right, § 209A)"[272].

According to Hegel, the problem with Kant's cosmopolitan proposal was neither its underlying goals (perpetual peace) nor principles, but the framing he provided: a framing that ignored the inherent conflicts of modernity. This critique addressed three fundamental issues of Kant's cosmopolitanism[273]: the idea that humanity moved straightforward from a situation of perpetual war to a situation of perpetual peace, the idea that reason can be understood without a historical consciousness and the idea that republicanism is a condition for perpetual peace. Regarding the former, Hegel believed that there was no such clear-cut rupture between Kant's post-Westphalia epoch and the preceding theoretical proposals and events. Hegel held that the division between sovereign states was not a halfway point on human progress but its necessary outcome. In other words, he argued that this division was precisely what settled the grounds for peace. According to Hegel, it was the society of states which made possible the recognition of states *qua* states and, therefore, made them accountable. In the absence of such a framework, Hegel explained, societies were exposed to permanent conflict. In a

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the analysis on those works, although I avoid quoting him as my main purpose is not offering a thorough analysis of Hegel's work. The latter will require a much more extensive work.

[267] Popper (1945)

[268] Habermas (2006)

[269] Rose (1981), Butler (1996), Fine (2001), Seymour (2010), Ingram (2013)

[270] Particularly given the influence of Hegel's idea of "Recognition" on the debates about minority nations, as argued in Gagnon (2012)

[271] "This notion of the nation was particularly pronounced in the eighteenth-century German idea of the nation, as expressed, for instance, in the writings of Herder, Hegel and Fichte. Fichte's 'Address to the German Nation' in 1808 is one such example of the universalistic notion of the nation in a country and age that had not yet witnessed the rise of the modern nation-state" Delanty (2009) p.44

[272] Fine (2003) p.8

[273] *Idem* pp.30-36

way, Hegel seems to argue that state division was a necessary condition to organise humanity so that it could coexist peacefully. However, and this was his second critique of Kant's cosmopolitanism, this analysis requires a historical understanding of rationality. This historical consciousness made Hegel argue that the Peace of Westphalia was another element of a deeper transformation process: the definition of a legal framework of sovereign states based on "human will and empirical observation rather than divine command or revelation"[274]. Rationality, then, was directly linked to the state: Hegel portrays nation-states as the way historical development pushed human will to materialize its reason. That is precisely the main reason why Hegel, as a third critique, was quite sceptical about Kant's link between republicanism and perpetual peace. On the Kantian realm, republicanism was the framework that better allowed humans to act rationally. At least theoretically, Kant believed the idea of a global republic as the ideal last step of human progress. Opposed to this view, Hegel argued that if the republican state was a mere frame to channel individual free will, we had no guarantee that conflict would not arise. He believed that republicanism was too confident in the laws and institutions it promoted as a means to grant individual freedom.

Opposed to Kant's view, Hegel believed that the reason conflict increased was precisely the intrinsic features of the modern state: "its megalomania, its pathological belief in itself as an early divinity (...) the power of its executive, its propensities to legal authoritarianism, the patriotism it fosters, the disciplinary powers it wields"[275]. Patriotism, then, is portrayed as "a result of the rational structure of the modern state and not an error of thought or a blind emotion"[276]. He believed that those elements resulted from the *ethos* underlying the institutions within the state as an expression of the modern project: if historical progress would have led humanity towards other conditions, it could have been that the nation-state divide would not have been the necessary outcome of modernity. In this sense, Hegel was aware of the intrinsic limitations and problems with the Westphalian world order. That is precisely why he developed a systematic proposal of how nation-states should operate: because given the historical progress of humanity, there was no alternative to the nation-state. From this assumption, Hegel developed his work as if the nation-state divide was going to persist, despite assuming that on its modern expression, the nation-state order was far from providing the optimal context to meet cosmopolitan principles. Nonetheless, Hegel believed that history had taken humanity to a context, modernity, where either we give up our cosmopolitan ambitions and elaborate a systematic theory of the nation-state as the perfect expression of reason or we give up the principles of modernity that resulted in the creation of the nation-state itself. Otherwise not only will we not reach perpetual peace, but we will be exposed to the risk of turning back to perpetual war. Fostering Kant's cosmopolitanism as a legal-institutional project without dealing with the historical context in which those laws and institutions are created will imply fostering a regime that, in Hegel's view, is headed towards conflict. In the end, thus, Hegel's account of the nation-state seems nothing but the resignation regarding the historically shaped principles underlying modernity, not that much an ideal normative standpoint regarding the identification of the nation with the state.

[274] Fine (2007) p.33
[275] *Idem* pp.35-36
[276] Fine (2003) p.9

The key issue that I wanted to highlight is precisely based on that last point: there is no such intrinsic division between Kant's cosmopolitanism and the goals underlying Hegel's work. At least not in the way current advocates of cosmopolitanism frame it: with an inherent contradiction between the cosmopolitan project and the defence of the particular nation. The difference was not so much on the principles and goals they aimed to achieve, which they mostly shared, but in the way each of them argued humanity should reach them. In other words, any attempt to analyse the modern framing of the cosmopolitanism/nationalism debate needs to distinguish the actual evolution of the nation-state realm (with their focus on territorial sovereignty, homogeneity and hegemony) from the original theoretical debates between Kant and Hegel. With tension that is also perceived in Beck's work, the conflict between Kant and Hegel – i.e., the clash between the latter's cosmopolitan republic and the former's system of nation-states, seems more closely related to the understanding each of them had of modernity than to the understanding each of them had of the nation itself. Therefore, at least based on these fundamental debates, a cosmopolitan project could be compatible with some of the principles raised by Hegel regarding the nation. As Delanty states, "there is not a contradiction between the principle of self-determination that is the basis of liberal nationalism and cosmopolitan political aspirations (...) What ultimately divided them was the transformation of nationalism into a territorial ideology to which became associated an exclusivist notion of peoplehood that was at odds with the cosmopolitan ideal"[277]. In the same way that advocates of the European Union as a cosmopolitan project cannot be blamed for those who originally held a colonial understanding of the European integration process towards the African continent[278], we cannot blame Hegel for the evolution suffered by state-nationalism. Once again, it is not as much about the normative principles implied within cosmopolitanism but about the way we conceive reality (modernity, in Kant and Hegel's case) and subsequently apply those principles. The fact that the discussion between Kant and Hegel was very much dependant on the weight each of them assigned to the restraining material context and its historical evolution proves, if anything, that it is hard to provide a solid account without addressing both dimensions. Hegel revealed that Kant was so focused on principles that he forgot about reality and its evolution beyond the particular experience (although Kant himself seemed to have assumed it in the end). Critics of Hegel's work forget that his theory about the nation-state was mainly the result of a resignation regarding the driving-forces of modernity. In both cases, the focus is on the way each dealt with reality and principles: description and normativity. In the next section, I present a sketch of the main contemporary normative accounts of cosmopolitanism in order to definitively show this connection between normative and descriptive cosmopolitanism.

[277] Delanty (2009) p.43
[278] Hansen & Jonsson (2015)

Section II: Contemporary debates on normative cosmopolitanism

In this section I analyse the three main areas of contemporary normative cosmopolitanism. First, I address cultural cosmopolitanism. Then I present the main principles discussed by the moral debates within cosmopolitan philosophy. I conclude by addressing the key proposals within political cosmopolitanism. The aim is to identify the main patterns of contemporary normative cosmopolitanism in order to define a minimum ground to analyse Beck's proposal.

Cultural Cosmopolitanism

When we address normative accounts of cosmopolitanism today, it is quite common[279] to differentiate at least three broad areas: cultural cosmopolitanism, moral cosmopolitanism and political cosmopolitanism. There is a fourth area, legal cosmopolitanism, but I find it a way to channel the other three areas rather than an area in and of itself[280]. Actually, as I understand the normative debates on cosmopolitanism, once again none of these divisions is theoretically consistent in absolute terms, even if they may work analytically. That is to say, even if a cosmopolitan researcher is focused on a specific issue of moral philosophy, she should ensure that her statements do not clash with a cosmopolitan understanding of culture or politics. It would be incoherent, although far from unusual, to hold for instance a political cosmopolitanism regarding the EU while defending that member states should be allowed to impose a homogeneous national culture on their citizens or holding that EU citizens have priority towards citizens from the rest of the world. In practice, it seems plausible to think about someone who experiences culture globally while giving moral priority to his compatriots. Just as we can easily imagine a British citizen who appeals to cosmopolitan values to argue in favour of United Kingdom's unity while advocating that the United Kingdom should leave the European Council based on the priority of UK's law. These cases seem plausible as practice can hold contradictory stands. Theory, in turn, does not (or, at least, should not). Holding conflicting theoretical positions does not imply mere contradiction but a lack of logical coherence. Having clarified the necessarily artificial nature of the division, it still helps to analyse separately the distinct areas addressed by cosmopolitanism.

Cultural cosmopolitanism refers, mainly, both to the way we need to conceive culture in a globalised world and, therefore, the fair way of dealing with cultural diversity. In a way, this area could be considered as a subset of Beck's cosmopolitanism, which can be seen as banal and/or descriptive. That is to say; it could be considered as the area of contemporary cosmopolitanism that is more explicitly dependant on the way we describe the world. It is, basically, dealing with the idea of particular culture, either in an individual or collective sense. On the individual case, it aims to study the way individual identities are constituted through the multiplicity of cultural inputs we receive in our everyday lives as well as the individual's opportunity to choose among

[279] Fabre (2012) pp.31-32
[280] I will not address this area in this chapter but in chapters 5 and 6

those options[281]. In a way, it could be said that cultural cosmopolitanism on the individual perspective is debating whether Jeremy Waldron's review of his own work is right: "it is certainly wrong to imply that immersion in the particular culture of the society in which one has been brought up is incompatible with what Kant would call a cosmopolitan attitude towards sharing the world with others"[282]. Still, Waldron kept opposing the idea of a nationally delimited *societal culture* - as shaped by Will Kymlicka[283] - as a necessary condition to grant personal autonomy. He recognised that there are individuals who maintain a very localised lifestyle while fostering cosmopolitan concerns. He even agreed that, for those individuals, this belonging had some relevant value. Nevertheless, he rejected the idea that this required the existence of institutionally settled nations. In a way, he seems to accept that cultural cosmopolitanism can coexist with non-cosmopolitan forms of life, while still considering that cosmopolitan lifestyle is somehow linked to the values of openness and hospitality typical of cosmopolitanism.

However, this approach is not free of controversy, precisely because of its implication once we move beyond the purely individual dimension. As James Ingram suggests, "the lifestyle Waldron evokes is available to relatively few and made possible only by their relations to others (...) We might to this extent suspect this liberal cosmopolitanism of being an individual ideal or aspiration with little - and certainly nothing critical - to say about the social, political, economic and cultural relations that sustain it. Its tolerance, openness, and inclusion come very close to those of globalized consumer capitalism, as seen from the top"[284]. In other words, the inherent risk of cultural cosmopolitanism, individually understood, to consider a specific way of life (currently available to certain elites, although not necessarily exclusive in a plausible future) as the general way of life, either to highlight its value or to project one's personal experience over the entire society. The problem with this approach, apart from excluding a huge number of the members of the collective whom the theory aims to address (i.e., a huge part of humanity), is that it undermines the power relations that articulate beyond the individual. That is precisely why on the collective dimension the debate is mainly focused on the relevance we may assign to particular or singular cultures and the subsequent ways of channelling them. The main issues regarding collective dimension of culture are distribution (how should we weigh the resources needed to maintain a specific culture with those needed for other cosmopolitan duties) and recognition (how should we regulate conflicting cultural expressions, particularly in a globalised world). However, even though the dichotomy persists as a framing for the debate, it is quite controversial to assume that both issues, distributive justice and recognition necessarily collide. I go through these topics in Chapter 3, where I depart from an institutional approach to minority nations in order to argue - as a nuance to Beck - in favour of the cosmopolitan duty of dealing with claims on particular cultures. I do so, precisely, by arguing that despite Beck being right about reflexive modernity necessarily transforming the way individuals experience culture, he fails to provide an adequate theoretical framework for mediation on diversity[285].

[281] Guibernau (2013)
[282] Waldron (2000) p.5, nuancing his own previous assumption as stated in Waldron (1992)
[283] Kymlicka (2007) pp.81-82
[284] Ingram (2013) pp.64-65
[285] See, for instance, Norman (2006), Kymlicka (2007), Benhabib (2008), Weinstock (2012) or Gagnon (2014).

Moral Cosmopolitanism

The second area of normative cosmopolitanism is morality, where the debate mainly deals with the scope of justice. It is important to note that this debate is very much conditioned by three other features that define a moral account or, when it refers to the institutional dimension, a theory of justice[286]: the content, site and strength of the principles. The content refers to the aim of the theory of justice, that is, what does a theory of justice require in order to consider its object as just or unjust. The object could refer to how we interact with our environment (either other human beings, other species or the world), how we distribute resources, how we act in a particular moral context or what basic social structures should look like in order to be just. The content will define what a theory of justice requires and what it requires it for. An example could be - and actually is directly linked with a cosmopolitan theory of justice - egalitarianism[287]: granting equal treatment (what) to ensure equality of opportunities (what for). The debate regarding this frame of content will, then, analyse what equal treatment and equality of opportunities mean. Egalitarian answers to both issues debate on issues such as which level of welfare, material opportunities or means to lead a decent, valuable or flourishing life[288], if any, are necessary to grant equality of opportunities to all human beings.

With regard to the site of justice, it debates who should be implementing the principles settled by a theory of justice. A broad example could be - and I hold that it is the one which best addresses Beck's concerns - any agent, either individual or collective, either formal or informal, who can exercise power. This could imply individuals and institutions with formally recognised coercive power (i.e., political and legal institutions, such as parliaments or tribunals) but also institutions with informal means of power (i.e. companies, families or research centers)[289]. Finally, regarding strength, it refers to the way the theory aims to enforce the principles it advocates for. It is quite uncontroversial[290] to assert that the common answer is that the principles are enforced through legitimately settled rights[291] to which subjects of justice are entitled. However, as rights do not have a sort of intrinsic direct effect (they can have one, as I address in Chapter 5, but we need to settle certain conditions for that to happen)[292], we need to

[286] Fabre (2012) p.16, for a thorough analysis of the main debates about justice see Vallentyne ed. (2003)

[287] Other examples of competing conceptions of justice include libertarianism (right or left oriented), contractarianism and utilitarianism. However, some of these divisions get blurred with examples of liberal contractarian theories of justice with an egalitarian intent (such as John Rawls's Justice as Fairness).

[288] There are discussions about how demanding our cosmopolitan duties should be. As a matter of principle, I would rather demand the highest degree of cosmopolitan duties. However, I am aware that there are feasibility issues at stake that complicate holding such a position. Therefore, although I will refer to a 'flourishing life' from now on, I accept that this issue is still under scrutiny by moral philosophers.

[289] Cohen (1997), Okhin (1989)

[290] Fabre (2012) p.23

[291] The issue of legitimacy beyond the domestic realm concerns political cosmopolitanism more. That is why I am addressing it in the last part of this section.

[292] I may elaborate a Theory of Justice according to which I settle the right that 'every human being has the right to own a Lamborghini'. However, even if a fully legitimate Parliament would actually codify this right as a legal right, we may decide the limits that we need to address when providing the Lamborghini. It is even clearer if we state the right as 'the right to enjoy David Beckham's Lamborghini', as it is clear that we should weigh the relevance of granting the Lamborghini with David Beckham's right, if any, to own it.

decide what are we allowed to do in order to ensure that a right is actually granted. In any case, the main issue regarding the moral debates on cosmopolitanism is neither the content, site or strength of justice. The three of them should be addressed to elaborate a cosmopolitan theory of justice, of course, but the 'cosmopolitan' label is more focused on the fourth element: the scope of the theory of justice. Regarding the other three elements, as I explain in Chapter 3, a review of the normative elements underlying Beck's cosmopolitanism only requires embracing a minimum or *tout court* moral account that, beyond being broadly egalitarian, applied to power exerting agents and channelled through legitimately settled rights does not set any exhaustive set of principles on the content, site and strength of justice. The more controversial issue, then, is the scope of a cosmopolitan theory of justice.

The cosmopolitan accounts of justice challenge the traditional assumptions that political borders define the duties and rights we have and owe each other. Cosmopolitans depart, broadly, from the assumption that we cannot subsume the application of the principles of justice we may endorse to a factor as arbitrary as political borders. This does not imply that cosmopolitan moral theorists plainly reject political borders or consider it necessary to eliminate them, but merely that we should apply the principles of justice we may endorse irrespectively of the political borders. In other words, cosmopolitan theories of justice disagree with the idea of taking "patriotic partiality"[293] into account, not only to define who is subject to a certain set of rights and duties but also when weighing among conflicting rights. The point, instead, is that membership in certain groups alone (i.e., as a result of accession itself) does not affect individuals' rights to the "freedom and resources they need to lead a flourishing life"[294]. Similarly, it does not define the imposition of the corresponding duties, even if it may imply sacrificing one's own interests. This is to say: moral cosmopolitanism rejects the idea that the label 'domestic' has any moral relevance to define the scope of the principles of justice we may hold: it neither defines which subjects are entitled to the right and duties we may define based on those principles nor does it prioritise certain rights over others.

Instead, moral cosmopolitanism argues in favour of a universal and general scope of morality: it is based on principles that anyone can reasonably agree with anywhere (universal) and advocates for the application of those principles anywhere (general). However, this very basic assumption opens a long path for discussion on controversial issues such as: whether the cosmopolitan duties of justice are negative (the duty not to x, such as the duty to not harm or not exploit non-compatriots deliberately) or positive (the duty to x, such as duty of assistance); whether they apply only to collective means of justice (laws, institutions and policies) or also to an individual's everyday life; or whether a cosmopolitan account of justice that rejects political borders as a morally relevant element could be compatible with holding other arbitrary differences - gender, race, sexual orientation or disability - as morally relevant. No matter these disputes, we can still state a minimum set of principles regarding the scope that a *tout court* a cosmopolitan theory of justice should endorse: "the worth of individuals, equality, and the existence of obligations binding on all"[295].

[293] Fabre (2012) p.31
[294] Fabre (2016) p.3
[295] Caney (2005) p.4

In any case, highlighting the moral irrelevance of political borders and the purposely relationships they generate[296] does not imply denying them any instrumental value as a mean to ensure any of the above-mentioned principles. At least not *per se*. As Cecile Fabre states, "special relationships between fellow citizens have instrumental value in so far as they might be the best vehicle through which to ensure that all individuals have the resources they need to lead a minimally decent life"[297]. In this sense, there is no a priori incompatibility between holding a cosmopolitan moral account and still considering that territorial self-determination, group rights and state legitimacy have some value as a means to preserve cultural identity, common goods, contexts of choice, or, in a stronger sense[298], security and democracy. The difference is that, as opposed to other moral accounts that consider borders when defining the scope of justice (e.g. realist, communitarian or nationalist), cosmopolitanism will always consider borders and the resulting relationships as morally secondary. That is why endorsing moral cosmopolitanism, whatever the value it gives to special relations, implies setting limits on those elements of statehood, territoriality, citizenship, nationality or sovereignty. In sum, moral cosmopolitanism serves to settle the limits of a wider cosmopolitan narrative that could both adapt to present-day socio-political reality and shed light on the moral conflicts that may arise between the universal, individual and general principles[299] of cosmopolitanism and the particular, social and relational experiences. In Chapters 3, 4 and 5, I argue, specifically, that the normative elements underlying Beck's work fail to provide an adequate equilibrium at the expense of morally relevant elements.

Political Cosmopolitanism

Having sketched cosmopolitanism as a moral philosophy, I may now close this broad review of contemporary normative cosmopolitanism by addressing its third area: political cosmopolitanism. I will not go through the debates about the distinction between moral and political cosmopolitanism. As I said earlier in this section, I consider these distinctions adequate for analytical purposes but artificial and theoretically hard to sustain. However, I am also aware of the deeper discussion between morality-politics, theory-praxis, ideal-real, that affects the cosmopolitan debates. In the next section, I will address this dimension in regards to Beck's cosmopolitan proposal, but I will not address it in general terms. Still, I agree with Ingram that "pragmatic-procedural formulation of the cosmopolitan imperative leads, more or less directly, to politics: it turns out to be a small step from saying that we should act *as if* we lived in a world in which everyone had an equal say in the terms of our interaction to saying that the world should be organized so that everyone in fact does. In this sense, the cosmopolitan moral-ethical imperative simultaneously implies a political project"[300]. However, it could be said that political proposals of supranational integration could actually be driven by

[296]"Cosmopolitans recognize, however, that these principles may sometimes best be realized if people comply with special duties to some. In other words, they recognize the possibility that although justice is fundamentally impartial between persons it may in some cases sanction policies in which people are partial to some people (their friends, say, or family members)" Caney (2005) p.105
[297] Fabre (2012) p.39, although in Fabre (2016), she moves from the demand for a 'minimum decent life' to the demand for a 'flourishing life'. For a discussion on this matter see Stilz (2013) and Fabre (2014)
[298] Habermas (2012) p.338
[299] Caney (2005) p.4
[300] Ingram (2013) p.103

motives that have little or nothing to do with cosmopolitan principles. The debate, then, would be on the requirements that a political proposal should meet so as to be labelled as cosmopolitan. Once again, I might agree with the very basic ground of political cosmopolitanism provided by Ingram: "political cosmopolitanism is the observation that political thought has overwhelmingly assumed that reflection on justice stops at the borders of a given political community (...) everyone should count"[301]. Political cosmopolitanism, then, would be the area of cosmopolitanism that aims to debate how we could transform socio-political reality - *basic structure*[302], *basic institutions*[303] or *societal structure and culture*[304], for instance - in order to materialize cosmopolitan principles. We may distinguish at least two broad - and sometimes overlapping[305] - approaches to this issue: theories of cosmopolitan democracy and theories of global democracy.

Cosmopolitan democrats, such as Jürgen Habermas, David Held or Daniele Archibugi, argue that "objective developments - economic, political, technological, cultural, demographic, ecological - now force us to think as citizens of the world: politics must become global because humanity's most pressing challenges can only be met on a global level. Under the pressures of globalization, they argue, states can no longer fulfill the functions that have been their raison d'être. With a handful exceptions, they can no longer effectively guarantee the security and well-being of their citizens and are helpless against new challenges"[306]. They depart from the idea that we are subject to functional needs that we need to address through a reform of the way we conceive democracy: a cosmopolitanization of democracy to achieve "freedom and equality for all (...) on a global scale"[307]. To that aim, they advocate a new global order that should ensure both the implementation of democracy all around the world, the fulfillment of human rights and the pursuit of universal goals. Cosmopolitan democracy, then, becomes more of a sort of a "realistic utopia"[308], an "ideal political theory"[309], often criticised for its lack of concrete proposals. Nevertheless, some authors argue that even if these accounts of cosmopolitan democracy may point to the adequate goals that any cosmopolitan agenda should include, they lack the necessary explanations on the feasibility of their realization. Furthermore, as they mainly focus on the way we should transform the law and institutions that enforce the law, they often ignore or undermine the power-relations and interests that underlie those laws and institutions[310].

The discussion then seems to be framed between those who consider the theoretical account as a mere intellectual exercise with unknown (or even negative) consequences and those who still consider it valuable. In my view, the most relevant thing beyond the validity of the concrete arguments provided by the advocates of cosmopolitan

[301] Ingram (2013) p.104
[302] Rawls (1999) p.61
[303] Beck, Bonss & Lau (2003) p.5
[304] Kymlicka (1995) p.116., (2003) p.79
[305] Some authors, such as David Held, Thomas Moravcsik or Jürgen Habermas, are both addressing the discussion on the principles of cosmopolitan democracy and the discussion about the feasibility of specific models of global democracy. Once again, such divisions and taxonomies are adequate for analytical purposes (as they bring to light certain patterns) but do not match perfectly with the works of specific authors.
[306] Ingram (2013) p.125
[307] *Idem* p.141
[308] Rawls (1999) p.20
[309] Ingram (2013) p.127
[310] *Idem* p.131

democracy is that, even if the above mentioned critiques might be valid, this does not necessarily mean that the theoretical approach is completely useless. Moreover, as Professor Innerarity states regarding the European Union and its crisis, we are in a theoretical moment: "a moment where conceptual innovation is essential if we want to escape from the deadlock we are in, which is, first of all, a conceptual deficit (...) we will not emerge from the current crisis without a clarification of what is at stake (...) We need to talk more about concepts than about mechanisms and leaders (...) It is not so much a problem that can be solved through institutional procedures and leadership, but a crisis that must be well diagnosed, so that the basic concepts of democracy can be reconsidered in the context of that new and complex reality that is the European Union, and in a globalised world where profound social and political changes are taking place"[311]. In line with this view, whether we agree with the theories of cosmopolitan democracy or not, we cannot reject them on the basis of being theoretical. Instead, we should review the theories in order to check whether they provide an adequate frame for the discussion of specific cases. As Michael Zürn argues, "the empirical judgments underlying the models of global order are more important than differences in the justification of theoretical procedures or moral principles behind them"[312]. I partially undertake this task in Chapter 5, where I confront Beck's main political proposal - Cosmopolitan Empire - with the principal arguments that advocates of cosmopolitan democracy provide. I also analyse the topic in Chapter 6 regarding the specific case of the European Court of Human Rights and its interaction with the United Kingdom.

The alternative approach - also developed, though to a lesser extent, by the aforementioned authors - are the theories that elaborate concrete proposals on how a global democracy should actually look. This is to say; authors who advocate for an integrated global democratic order, but do not limit themselves to discussions of laws that reflect general moral principles valid at the global level and the institutions that will foster those principles. Instead, they are focused on making the global political system more democratic, which does not necessarily imply reflecting on the principles and outcomes of the decision-making process. The cosmopolitan concern of the advocates of Global Democracy is more focused on granting an equal say[313] to every citizen in the world on those issues that affect their lives and are not necessarily delimited within the nation-states. They share the assumption of the advocates of cosmopolitan democracy on the need for supranational reactions to the current level of interdependencies. Nevertheless, in opposition to them, advocates of Global democracy believe that domestic or unilateral answers are not inadequate as a matter of principle but for instrumental reasons: they are incapable of providing an equal say to citizens. As Daniel Innerarity argues, "we can speak without exaggeration of a deficit of democratic legitimacy when a society cannot intervene in the decisions of others who condition it, but also when it prevents those others from intervening in its own decisions that condition them"[314]. Human beings are affected by decisions that are taken beyond the territorial borders in which their democratic say is delimited. Therefore, the discussions about global democracy mainly deals with the best way to tackle the so called "inter-

[311] Innerarity (2017) p.11
[312] Zürn (2016) p.89
[313] It is important to note that by equal say I am not necessarily referring to direct forms of participation. Neither am I excluding any form of expert decision-making. Those debates on theories of democracy fall beyond the scope of this thesis. I am simply referring to a broader notion of democratic say understood as citizen's empowerment to react and institution's accountability regarding decisions that affect their lives.
[314] Innerarity (2015) p.9

democratic deficit"[315]. That is to say, they discuss how we may ensure basic democratic means beyond the nation-state, including issues such as transparency, representation, accountability, effectiveness and deliberation. As opposed to the advocates of cosmopolitan democracy, they do not necessarily assume a cosmopolitan point of departure that highlights universal individual autonomy and human rights besides mere global democratic entitlement. That is the case, for instance, for intergovernmental solutions, which believe that territorial states are "the keystone of global political order"[316]. This does not mean that the intergovernmental model of global democracy is necessarily opposed to cosmopolitan principles. Still, the priority of its advocates is not cosmopolitan principles. The focus of theorists on global democracy is to define concrete procedures and arrangements that may ensure that citizens have an equal say on those issues that affect their lives.

That is precisely the key issue of the debates on global democracy vis à vis the debates on cosmopolitan democracy: feasibility of the proposals in order to grant citizens a say on global issues. They all agree that we already have several supranational and global institutions that rule the life of citizens all around the world. However, they believe that those institutions do not adequately grant citizen's empowerment to influence the issues they rule. Whether that is achieved through the already existing institutions or through completely new institutional arrangements is not relevant insofar as each proposal may provide a feasible way of granting citizens a global democratic say. Moreover, advocates of global democracy consider both formal and informal ways of participating in the decision-making processes. Formal institutions include, mainly states, both public and private international organizations and NGO's. Informal institutions include transnational networks of private actors, either individual (such as the international political communities channelled through the social networks) or collective (such as the federations of local associations that are focused on specific topics), epistemic or knowledge communities with influence on policy-making and sectoral regimes on issues such as energy, climate or gender. The attempts to build a feasible theory of global democracy will have to include all those actors and their interactions with the citizens. Otherwise, the theories might be normatively adequate, but will not be capable of providing citizens an effective framework to ensure their democratic say. As stated by Zürn, "any such attempt must take the empirical framework conditions into consideration. The development of models of global order is much more than a purely normative exercise"[317]. Concluding whether that is the case in the authors that advocate for a cosmopolitan democracy is not the aim of this thesis. However, I will address it when reviewing Beck's work, particularly as Beck himself does provide an alternative account of addressing power relations within his cosmopolitan proposal.

One last remark on political cosmopolitanism must reference its western bias or, as Ingram puts it referring to David Held's cosmopolitanism, the idea that a western vanguard "is needed to spearhead cosmopolitan development and serve as a model for others, and, as on all progressive schemes, some states and peoples are further along than others"[318]. Nevertheless, if democracy is one of the overarching goals of political cosmopolitanism (if not the only goal), we should settle a criteria that might let us agree on what we may consider as democratic. Just as it is not a matter of plainly rejecting the

[315] Innerarity (2017), Chapter 3 *Whose Deficit?*
[316] Zürn (2016) p.91
[317] *Idem* p.113
[318] Ingram (2013) p.135

so called western model of democracy, we should neither assume a sceptic stance regarding the so called non-western models of democracy, assuming that they are necessarily illiberal or authoritarian democracies. Ignoring non-western models is not an option anymore[319]. In the same way, assuming that western models are the ones providing the criteria is problematic in at least three different senses: it sets aside a vast majority of democratic regimes throughout the world, it assumes that there is such a thing as a 'western model of democracy', and it ignores the fact that, actually, since the end of the Cold War, western democracies have lost their alleged radical opponent (authoritarianism) and, therefore, their own weaknesses are quickly flourishing[320]. Instead, we may settle a minimum and pliable set of requirements - as a totalising overarching approach fails to catch the evolving nature of political reality and its global mutual learning dynamics. Richard Young[321], as one the most recent authors addressing this issue, provides a framework to set the minimum that could be summarised on the following features: individual rights (a reasonable balance between protecting individual rights and empowering the community), economic policies (a fair decision-making process on the economic policies that apply in a polity), power-sharing (an adequate distribution of powers both between and within the territories and communities that compose the polity) and legal pluralism. The aim, in sum, would be to discuss the extent to which a country must meet these features in order to consider it democratic. Being aware as I am that none of these features provided by Young are neutral (he actually labels his proposal 'liberal'), I still share the position that a political cosmopolitanism proposal should focus on discussing such a set of conditions that could apply to any political regime instead of departing from a western / non-western distinction. In Beck's case, even if the concerns addressed in his cosmopolitan proposal go beyond the western realm, his political agenda underlying the proposal is mainly focused in Europe. Nevertheless, as I will address in Chapter 3, Young's account provides a promising path to reflexively think about democracy itself, instead of taking anything for granted (whether it is in Europe or anywhere else).

I will come back to these discussions about political Cosmopolitanism in Chapter 4 when reviewing the idea of the community of risk and in Chapter 5 when discussing the proposal of a cosmopolitan empire, focusing particularly on the discussion of democratic legitimacy in a globalised world. In any case, the main feature in this chapter is to prove that the three normative areas as described by contemporary cosmopolitanism show up on Beck's work: not only does he offer a more or less systematic description of the ongoing cosmopolitanization of the world (that goes beyond mere cultural analysis), but also presents, more or less consciously, a cosmopolitan political project grounded on barely conceptualised (at least systematically) but if anything strong normative grounds. In what follows, I will conclude the chapter by analysing those normative principles before proceeding to their review in the following chapters.

[319] Young (2015) presents at least four arguments in this sense that could be summarised as follows: (1) the rise of new forms of politics and representation all around the world, (2) the increasing demand of more democratic ownership in a transforming global order, (3) the consolidation of hybrid models of democracy that are not temporal anymore, and (4) the failure of international democratic promotion efforts.
[320] *Idem* p.13
[321] *Idem* pp.105-110

Section III: Three main normative pillars of Ulrich Beck's Cosmopolitan proposal

In this section, I first analyse, through the case of the Gernika bombing, the limits of the descriptive-normative distinction assumed by Beck's cosmopolitan view. Then I present the three main normative implications of Beck's cosmopolitan view: national secularism, community of risk and cosmopolitan empire. The aim is to locate Beck's cosmopolitan proposal within the normative debates on cosmopolitanism.

The limits of the descriptive-normative distinction: the case of the Gernika bombing

Gernika is an inland town in the province of Bizkaia, forty kilometres from Bilbao. Nowadays, it is united with the neighbouring village of Lumo, creating the municipality of Gernika-Lumo, which totals almost seventeen thousand inhabitants[322]. It is a town with relatively limited political and economic significance in the Basque Country of the twenty-first century. However, this little village is well known for at least two other different historical reasons: it is the town that symbolised the first expressions of democratic rule created in the Basque Country, and it is the town first used by European anti-democratic militaries (both German and Italian) to test warfare strategies that were innovative at the time. As I do not intend to analyse the case in detail - a work actually done by many historians[323], I will not go through the details on each of these topics. In reality, it may be the case that some of the following references will not be accurate enough. Still, as the broad facts I am choosing are uncontroversial enough, my approach to the case cannot be qualified as cherry-picking. Nevertheless, I am making use of the case for the sake of the argument: to illustrate how the same case can, and actually does, have strong national and universal implications that can only be duly addressed if our systematic descriptive approach is grounded in an adequate set of normative elements (and vice versa: an adequate normative judgement should be based on a proper systematic description). While Beck himself seems to realise this need[324], his Cosmopolitan proposal fails since he assumes that his work merely contains a descriptive methodology with neutral or no direct normative implications. In the follows I analyse, through the case of Gernika, some limits to the normative-descriptive distinction in which Beck grounds his cosmopolitan proposal.

Let us then first analyse the relevance of Gernika for the history of the Basque Country[325]. In the history of the Basque Country, there is a special legal regime that has ruled its territories since the middle ages: the *Fueros*. These legal regimes were the codification of their local legal regimes and gathered the rights, practices and customs

[322] I present these minimum descriptive details about the town of Gernika not because I consider it particularly relevant for the argument, but just to provide a bit of context for the reader.
[323]Xabier Irujo (2012) *El Gernika de Richthofen: Un ensayo de bombardeo de terror*; Xabier Irujo (2017) *Gernika: 26 de abril de 1937*; Paul Preston (2017) *La muerte de Guernica*; Angelo D'Orsi (2011) *Guernica 1937. La bomba, la barbarie, la mentira*.
[324] Beck (1997) p.80
[325] I realise that the historical facts to which I refer in this paragraph have been widely used by Basque nationalism as a mean for nation-building. As my approach does not aim to reconstruct the roots and present day narratives/strategies of Basque nationalism, I will not address that dimension of the topic.

of the people living in that area. This practice was not unusual throughout Spain or in medieval Europe, but unlike other legal charters, the Fueros granted exceptional levels of autonomy to local authorities and lasted longer than in any other area[326]. The other particularity - as opposed to the Catalan case, for instance - is that they were not a unified charter but four distinct charters, each codified in a different year and with specific contents[327]. Whatever the reasons underlying this concession - an issue not exempt of controversy[328] - the truth is that they "included a general exemption from torture, from arbitrary arrest, and from military conscription for service outside their own territory by the king (...) [and] the Spanish crown accepted that it had no right to levy taxes in the region"[329]. In any case, the most important aspect here is not the content of the legal charter, but the symbolic framework it generated around the oak tree of Gernika. Even historical figures such as William Wordsworth or Jean-Jacques Rousseau recognised the relevance of this particular aspect of the town[330]. Not for nothing, until 1876 Basque leaders used to meet in front of the Gernika oak tree and since the Basque provinces joined the reign of Castilla (the last territory to join was Navarra, in 1512), the King/Queen of Spain[331] used to "stand under the tree and pledge continuing support for the Fueros"[332]. This practice ended in 1876, but the oak tree of Gernika persisted as a strong symbolic referent that, for many Basque citizens - particularly in the provinces of Bizkaia, Gipuzkoa and Araba -, it represented the singularity and historical bonds of the Basque nation. Little wonder, once democracy arrived and the provinces of Gipuzkoa, Bizkaia and Araba formed the Basque Autonomous Community within the Spanish State, all the Presidents of the Basque Autonomous Community (both nationalists and non-nationalists) have done their oath of office in front of the oak tree of Gernika. In that sense, either as a result of history or as a product of romantic nationalist historiography, the truth is that Gernika has remained as a strong symbolic reference of the Basque nation for many citizens in the Basque Country.

This symbolic reference actually persisted despite the massacre the town suffered on the 26th of April in 1937: Hitler's air force, the Luftwaffe's Condor Legion, used the village as a test area for the war that he was planning to start in 1939. The Fascist Italian Aviazione Legionaria also contributed to the action under the codename Operation Rügen. The attackers used up to twenty-seven bombing planes (twenty German and 3 Italian) that dropped a total of twenty-two tons of bombs, both incendiary and explosive. In addition, thirty-two fighters (nineteen German and thirteen Italian) participated in the attack. The strategy, actually, had four parts: first the bombers destroyed the rooftops, then the planes strafed the civilians who tried to run away from the village, third the bombers burned the city and, finally, the planes maintained the attacked area blocked with permanent machine-gun bursts around the town to ensure

[326] Woodworth (2007) p.28
[327] De la Granja, De Pablo & Rubio (2011) p.15
[328] Some historians claim that it was a way of recognising the special cultural character and institutional structure of the Basque Country, while other historians believe that they were accepted for mere instrumental reasons.
[329] Woodworth (2007) p.29
[330] *Idem* p.58
[331] I am aware that the label "King of Spain" is not accurate in either territorial - as it covered a different territory at each historical moment - or political terms - as it was not called Spanish Kingdom until the late 19th century. However, regarding this case there is a historical continuity that backs my point: that the highest authority ruling citizens in the Basque province came to the Oak to honour their rules, giving to the oak a strong symbolic weight.
[332] Kurlansky (1999) p.160

that civilians were burned in the city. A strategy that aimed both to test the effectiveness of innovative war strategies (more than 70% of the city was burned and around 20% of the rest was seriously damaged, resulting in an actual destruction of around 85% of the town) and contributed decisively to the surrender of the army's fighting in favour of democracy and the Republic, including the Basque Government's army, the *Gudaris*. At that point in time, Europe was leading up to World War II and the Spanish Civil War (1936-1939), right after Franco's coup d'etat against the democratic republic, was its precursor. Whether Hitler's army followed Franco's orders - an issue that, despite the controversies, seems quite plausible according to recent discoveries[333] - the exact number of dead and injured citizens are still questions that are being discussed by historians[334]. However, it is unquestionable that the bombing in Gernika was the beginning of many *Gernikas*: bombings that only aimed to threaten the enemy's ranks by massacring and spreading terror among civilians. In Gernika the attackers chose a market-day and attacked during a time frame (from 16:20 to 19:40) when "the town was packed with civilians"[335]. That particularity - so often reproduced globally -, regardless of the historical controversies about the nuances of the case, shows its global dimension. Or, at least (and that is the relevant element in my argument), that is how it was perceived: "you have just heard from incontrovertible sources how Guernica was destroyed by bombing and by fire. You have also heard what Guernica stands for to the Basques and to the entire world"[336].

The two events are both part of the same coin: not only in material terms (as both refer to this small town called Gernika), but in their meaning. The town of the ancient oak tree represents the national myth underlying the institutional unity of the Basque Country[337], at least in three of its Spanish provinces. A representation that continues to be performed nowadays and is considered by the citizens of the Basque Country as a symbol of their institutional arrangement. In the meantime, it also represents the beginning of modern-warfare, the beginning of a savagery that concerns humanity as a whole. A savagery that echoes those that continue happening: "as I write this, over two hundred Lebanese have been killed. Almost all of them were civilians. I think of Guernica"[338]. That references the local-global meaning of Gernika from a collective perspective (Basque Country - Humanity). A mixture that is perfectly symbolised - and was somehow salvaged[339], given the efforts of Franco's propaganda to cover the case - by Picasso's famous painting *Guernica*. A symbol that, as the case itself, has been used as a referent in many different senses: from those who consider it a referent of

[333] Irujo (2017)
[334] The number of dead civilians ranges from two hundred to more than two thousand. However, the available images of the town completely destroyed, the revisionist ideologies of the historians arguing in favour of the lower threshold, and the opacity that surrounded the case for more than forty years of Franco's dictatorship makes it more realistic to argue in favour of the higher number. In any case, that is not the aim of this thesis and either number shows the cruelty of the case and its global dimension.
[335] Woodworth (2007) p.58
[336] An address by the minister of justice and education of the Basque Government, Jesús María de Leizaola, broadcast from "Radio Euzkadi", May 4, 1937, as collected in Atxaga (2007)
[337] A myth that, despite its factual historical roots, has been reconstructed by many with many diverse intentions. In that sense, it might be that those reconstructions have not always been completely inclusive (as when historians assert that the Basques lost the war in 1876 or that Basques were bombed, as if there were not Basque citizens fighting on both sides). Still, the truth is that the symbol resulting from the myth has persisted and nowadays is assumed by all the political parties in the Basque Country across the full ideological spectrum.
[338] Ramzi Kysia during the bombings in Beirut in 2006, as collected in Atxaga (2007)
[339] Atxaga (2007) p.35

international anti-fascism, peace or even socialism, to an emblem of both Spanish and Basque Nationalism. Not to mention the banal commercialization of the picture, as in the case of the shirts and bags with fragments of the painting (including a crying mother with her mutilated child) that are sold as a souvenir. The complexity of the global-local dynamic is reflected in all these collective expressions of memory, trauma, narrative, or even consumption. However, it also has both local and global implications from an individual perspective, and that is the key element from a cosmopolitan perspective (as "individuals are the primary loci for moral concern and respect"[340]). The bombings caused huge unfair and disproportionate harm to many citizens of the town. People who not only felt the suffering, the lose, the damage, but also felt them in a specific context: in a particular society, with a particular cultural environment, but also with particular formal and informal institutional reactions[341]. The abstract notion of injustice - suffering, lose, and so on - and the moral reasoning that we may undertake to reject it are universal in the sense that, *ceteris paribus*, the action should be rejected everywhere. We have the cosmopolitan duty of addressing these kinds of cases regardless of where they happen: Gernika, Beirut or Aleppo. But the experience of those killed, injured, forced to move, request asylum, etc. is not abstract, it is particular. We have universally valid reasons to address those cases, but the experience will continue to be particular.

How does this connect with Beck's cosmopolitan view? My point is that if we address these kinds of issues as if our cosmopolitan view - the one that allows analysing the case beyond the nation-state divisions – were neutral, we might be leaving aside or failing to recognise elements that can affect those who experienced the issue at stake. Expressed in certainly hyperbolic but still illustrative terms, a blind cosmopolitanism that is not capable of recognising the particular frameworks where global risks are experienced could double the impact of those same global risks. In the case of Gernika - and I guess is not an exception, one dimension of the individual suffering was experienced nationally. An elderly survivor of the Gernika bombings who values the institutions of the Basque Country as the national institutions that fought for freedom and democracy - and who even feels that they keep doing so - might feel affronted if in pursuit of a cosmopolitan view we discussed the case of the Gernika bombings and the history that followed the bombings without taking into account that same national framework. There might be other citizens who suffered in a similar vein but do not have these concerns. That is perfectly plausible. However, this will not change the concerns of those who did experience the bombing nationally. As Elena Pulcini rightly argues, "we need to take the role that emotions and sentiments have in the pursuit of justice seriously. This is for two reasons: 1. They are the expression and evident symptom of situations of injustice, and 2. They contain the initial spark, the first and concrete motive that causes the 'inflamed minds' [Sen (2009) p.389] and pushes individuals to change the existing order and become engaged to remedy intolerable situations, even without expecting a perfectly just society"[342]. The key question, then, is what kind of implications do these experiences have on the formation of an individual identity, particularly in a context of reflexive transformation such as the one described by Beck. Nevertheless, the way these kinds of past and present events form individual identities - or at least part of them - is

[340] Fabre (2016) p.2

[341] I will come back to the institutional dimension in Chapter 3, as in my view – as opposed to that which authors such as Amartya Sen (2009) advocate for - even if the institutional dimension might not be the only relevant dimension when addressing injustice (i.e., not a sufficient condition for justice), it is the way we have in liberal democracies to provide systematic attempts to correct injustice (i.e., a necessary condition for systematic justice).

[342] Pulcini (2013) p.240

not detached from the way those individual identities end up defining - again, at least partially - social relations in a specific territory. In the same way, those social relations end up constructing a collective identity. As Montserrat Guibernau argues, "the construction of a collective identity has the potential to transform a group into a political actor"[343]. In the Basque case, it sounds plausible to think that the experience of the Gernika bombings partially explains the political evolution of Basque citizens, including the formation of pro-democracy and pro-Basque (not necessarily nationalist) movements that, as heterogeneous as they were, arose at the end of Franco's dictatorship.

Gernika has the empirical dimension of being a global event. In that sense, Beck is right in highlighting the relevance of looking beyond nation-state borders in order to adequately capture the full complexities that surround these kinds of events. This also applies to the experience of those individuals who suffered the bombing, including those who ended up being exiled away from the Basque Country, developing new layers of identity and even losing any sense of belonging to the Basque Country. Restricting the analysis to the limits of particular borders is methodologically problematic (as it forces the systematic application of categories as if reality were perfectly reflected in those categories), instrumentally (as it stems or even blocks addressing the global dimension of the case, avoiding the development of adequate answers) and normatively (as we cannot elude our cosmopolitan duties). However, the empirical dimension also includes people who, both individually and collectively, have experienced the event nationally: ignoring or underestimating this national dimension is not neutral, it implies assuming a concrete normative standpoint[344]. The question, then, is whether both dimensions are compatible or, at least, whether Beck's cosmopolitan proposal believes them to be compatible. Allegedly, Beck's aim is limited to overcoming the nation-state category or, as Samantha Besson puts it in regard to international law, to "lift the state veil"[345]. However, his work also includes some normative assumptions that can be problematic and actually end up blocking any attempt at fostering his agenda.

By this approach, I am not holding that addressing the Chernobyl nuclear catastrophe - to cite one of Beck's paradigmatic cases - as if it were merely a national phenomena would be an adequate approach. However, neither it will be reasonable to ignore its national dimension. Not because we, as external observers, assume a national outlook, but because those who experienced it closer (as any other global risk that led to a catastrophe), experienced it nationally. Both before (prevention) and after (reparation) the risk is materialised, ignoring the national realm as if it were not part of what actually happened is, as I will explain in Chapter 3, problematic. Therefore, my point is that an adequate cosmopolitan proposal - even if it attempts to be merely a methodological contribution - should understand that, in particular experiences of global risks, nations might have a specific value, both individually and collectively. Beck's cosmopolitan view shows itself to be incapable of duly addressing this dimension. The *both* local *and* global dichotomy, that I share, either minimizes or directly excludes the national. If the cosmopolitan outlook wants to address reality as it is, it should not deny that nations,

[343] Guibernau (2013) p.44

[344] "It is the task of a theory that strives to be critical to become liable for these struggles, to give a voice and legitimacy both to invisible suffering and active complaints, and to 'take sides' whether it be in favour of the 'dominated' [*dominés*] or the `deprived`[*demunis*] (...) It is rather necessary to legitimize the normative message implicit in the struggles for recognition to thus build a bridge between theory and practice" Pulcini (2013) p.242

[345] Besson (2009)

national belonging and even nationalism can have valuable features, from moral, political and legal views, that a reasonable cosmopolitan account that aims to address reality beyond the nation-state division should take into account. Otherwise, Beck's cosmopolitan agenda will prove as blind as the original Rawlsian Theory of Justice was, for instance, regarding the structural effects of empirical differences. The feminist, multicultural or egalitarian accounts made Rawls realize that regardless of our theoretical aims and assumptions, women, black people or those who are worst off will keep suffering an unfair disadvantage. A theory of justice that treats difference as a mere individual feature ignores structural patterns built after centuries of cultural, economic and political development, leads to unfair results. The same is true of Beck's cosmopolitanism: regardless of his aims and assumptions, nations, national belonging and nationalism keep being relevant for many individuals and defining their opportunities. Ignoring this fact will imply both neglecting relevant dimensions of individual experiences and accepting the unfair dynamics that surround national differences, including domination, misrecognition, discrimination or oppression. I share Beck's concern that we need to rethink their content, implications and role, but we cannot ignore them. A blind cosmopolitanism, regardless of how neutral it aims to be, will always have a normative dimension. In what follows, I will present the three dimensions I consider most relevant to Beck's cosmopolitanism, before analysing and thoroughly reviewing each of them in the following three chapters.

Introduction to the three normative elements underlying Beck's Cosmopolitan proposal

In his early works, Beck already provides descriptions of reality that are far from being neutral: "The particular pattern of modernization risks (...) possess an inherent tendency towards globalization. A universalization of hazards accompanies the industrial production, independent of the place where they are produced: food chains connect practically everyone on earth to everyone else. They dip under borders. The acid content of the air is not only nibbling at sculptures and artistic treasures, it also long ago brought about the disintegration of modern customs barriers. Even in Canada the lakes have become acidified, and forests are dying even in the northern reaches of Scandinavia"[346]. In this single extract from his early works, we can identify two elements that will define his research and political agenda throughout his life: the subject (risks generated within modernity) and concern (their universal impact) of his cosmopolitan proposal. He believes that reality is being transformed on the basis of such phenomena, arguing that his cosmopolitanism is nothing but a methodological proposal. His goal is to provide social scientists with adequate tools to describe, analyse and duly address a *cosmopolitanized* reality. Little wonder, even in his very last work, he keeps insisting on this idea, when he presents the notion of the 'metamorphosis of the world'[347] as a purely descriptive account that justifies methodological change. He argues that other social changes (e.g., feminism, socialism, neoliberalism...) describing "a consciously intended

[346] Beck (1986) p.36

[347] Although I refer to some of his proposals, I will not thoroughly address the thesis of this work - a nuanced but unfortunately unfinished update of his thesis about the World Risk Society - for two main reasons: (1) it does not introduce a radically different diagnosis of the paradigm change and (2) it does not include any substantial change to his cosmopolitan proposal, neither in broad terms nor in regards to the three normative elements I address. Nevertheless, I do plan to address it in more detail - as it is his very last work – once I have completed this thesis.

programmatic change in society with specific goals in mind is precisely what is *not* meant by the concept of the metamorphosis of the world. The metamorphosis of the world is something that happens; it is not a programme. 'Metamorphosis of the world' is a descriptive expression, not a normative one"[348]. It is important to note that despite his alleged neutrality, Beck himself realizes the tensions and contradictions that arise within his work, particularly regarding his cosmopolitanism. Nevertheless, he treats them as unsolved issues[349].

My hypothesis is that those tensions are, in turn, the result of the normative implications of his work that he misses to address, at least systematically. His simple but still powerful appeal to substitute the *either/or* logic of methodological nationalism by the *both/and* logic of methodological cosmopolitanism opens a very promising path. I understand Beck's work, at least regarding his methodological cosmopolitanism, as a sort of Galilean effort. Natural scientists know that Galilean explanations about the cosmos are not adequate: it would be naive to think that the universe actually works as Galileo described it. However, he brought to light the need to change perspective showing an alternative way of looking at the same objects. He provided an adequate diagnosis. Once he did so, it led to centuries of natural scientists providing systematic explanations about the universe. Some of those explanations might even amend the ones provided by Galileo. However, it was his powerful claim that opened the path for that research. That is what I consider the main virtue of Beck's cosmopolitanism: he provides a well-founded diagnosis that forces social scientists to change perspective, to stop thinking as if the global and the local where exclusive, to assume the both/and logic of methodological cosmopolitanism. However, he fails to duly address all the elements of the equation, at least regarding the national-supranational dynamic. It is then our task to take the baton and keep building an innovative research and political programme with adequate normative grounds. What is most important is that Beck's attempt to change the paradigm is based on the evidence that current approaches in social sciences are incapable of dealing with urgent challenges such as increasing rates of inequality, climate change, precarious work and job uncertainty, unfair global trade or world (in)security.

In this thesis, I am undertaking a tiny part of that venture by proving that national pluralism is not necessarily in conflict with addressing those challenges. I accept that this implies stopping the national navel-gazing and implementing a cosmopolitan outlook. However, I argue that building this alternative methodological path, if it aims to be fruitful and provide effective solutions and move beyond mere diagnosis, needs to be normatively valid. In this work, I am addressing the three normative elements that I have found most relevant. Nevertheless, my approach is not exhaustive: I do not plan to solve the normative debates I am addressing, but simply show how they are unsolved in Beck's proposal. Further analysis could both review other problematic normative aspects and provide conclusive arguments about the ones I address. In the end, Beck shakes our deep convictions and forces us to address reality differently but does not provide a systematic guide on how we should proceed. In my case, I have applied this ambition to my understanding of pluralism in general and fragmented politics (both

[348] Beck (2016) p.18

[349] The utopia of a global society: "Precisamente en la negación y en la no percepción surge la comunidad objetiva de una situación de amenaza global (…) naturalmente, esto no significa que a la vista de los crecientes riesgos civilizatorios emerja la gran armonía" Beck (1986) p.65. He holds a similar perspective in Beck (1997) p.147, where he states that there is a reciprocal questioning between local and global identities.

plurinational states and supranational institutions) in particular. However, while accepting the reflexive challenge provided by Beck's work, I have also ended up reviewing his work. In sum, Beck's work has provided me with the theoretical motivation to empirically review my own accounts and, by doing so, has potentially exposed the normative deficiencies of his proposal. The three normative elements I address aim to illustrate those weaknesses regarding his cosmopolitan proposal: national secularism, community of risk and cosmopolitan empire. I have chosen these three elements - not systematically explained or defended by Beck - for two main reasons: (1) they represent, in my view, the key weaknesses that block an adequate implementation of his proposal and (2) they are interconnected in such a way that they could be considered the normative pillars of his methodological account.

On the first motive, I found that the normative features underlying Beck's cosmopolitan proposal fall within the triple conflict described by Kymlicka and Straehle: "some defenders of cosmopolitan democracy have argued, not only that transnational institutions are becoming as important as nation-states, but that the latter are increasingly obsolete, and that we are indeed witnessing 'the end of the nation-state' (Guehenno 1995). Similarly, defenders of the nation-state have often disputed the significance of minority nationalisms; while defenders of minority nationalisms often dismiss ideas of cosmopolitan democracy as utopian"[350]. The problem with these alleged conflicts is that, besides illustrating a problem of perspective (as I will argue in Chapter 3), they impede an adequate practice. In fact, while there has been relevant progress in the theoretical debates and the conflicts are not as present anymore[351], in practice we still find that each of those positions keeps manifesting as incompatible. That is the case, at least, in Europe, where the public debate keeps framing cases in terms of conflict between cosmopolitan and national values. The conflicts between Catalonia and Spain or the United Kingdom and the European Union are examples of this framing, while both cases show much more complex features that can hardly be reduced to those dichotomic terms. Moreover, in the case of the territorial tensions of Spain, both actors (i.e., those advocating for secession and those advocating for territorial unity) reproach the other for its nationalism while asserting their own cosmopolitanism. My hypothesis - shared with various other authors[352] - is that the

[350] Kymlicka & Straehle (1999) p.3

[351] This compatibility has been stated both theoretically ["the solution, however, is not to reject moral cosmopolitanism but to refine and adjust it according to the contexts of its application" Requejo (2012) p.86] and empirically ["Often, instead of engaging in a dispassionate and rigorous analysis of the Janus-faced nature of nationalism, they tend to focus solely upon the pernicious side of nationalism. In so doing, they fail to recognize that, in some instances, nationalism is strongly associated with democracy, the search for recognition and the peaceful desire for the development and survival of peoples" Guibernau (2014) pp.22-23]

[352] Jauregui (1997), Keating (2003), McEwen & Moreno (2005), Bengoetxea & Edward (2011), Requejo (2012), Gagnon (2014), Guibernau (2014), Malloy & Palermo (2015). The latest account being that presented by Lacey (2017), where he analyses the cases of Belgium and Switzerland to build an adequate understanding of plural democracies applicable to the EU:

> As we shall see, though there are territorial sub-units in both Belgium and Switzerland that meet the objective criterion of nationhood just outlined, the subjective criterion is lacking in each case such that we may not strictly speak of them as multinational states. While I do not believe that this should present a significant obstacle, in comparison with the EU, which is a multinational political system, understanding the precise nature of political community formation in these mono-national states is important for grasping the wider dynamics of their respective political systems. Indeed, as will become clear, it is not the existence of sub-state nations that makes Belgium and Switzerland comparable to the EU but the fact that they must a) manage relationships between a demos and

conflicts that arise in states that encompass a plurality of national communities can provide adequate grounds to analyse multinational supranational bodies, such as the EU. Insofar as the challenges described by Beck require a reaction beyond the domestic realm, the work is necessary.

For the second reason I have chosen these three elements to illustrate the normative implications of Beck's cosmopolitanism, in what follows I will explain them in detail. The key common reason, in any case, is that each element depends on the previous one. The first one, his idea of national secularism, illustrates the way Beck understands nations and nationalism. Thus, given that this account is far from being neutral, it conditions the way he addresses them methodologically in his cosmopolitan proposal. The second element, community of risk, refers to the way Beck believes that individuals articulate their political aspirations in the world risk society. In this sense, once he has argued that the frame of the nation is methodologically incapable of capturing reality, he presents this allegedly neutral alternative framework. Finally, the idea of a cosmopolitan empire is not an element of his methodological cosmopolitanism, but rather its almost automatic consequence. That is to say that, if you accept the understanding of the nation, nationalism and national belonging underlying his cosmopolitan view, then you need an alternative proposal of how individuals articulate societies. Subsequently, if you accept his understanding of community, the international order that better suits the interaction between those communities is a cosmopolitan empire. In the following, I introduce each of these elements before proceeding to critically review them in the following three chapters.

National secularism

The idea of national secularism is present in most of his work. However, it is not systematically developed nor explicitly presented until one of his latest works. As I will show in Chapter 3 - Section I, in his early works we can identify several examples showing how the normative account underlying the principle of national secularism is almost a constant in his work. Throughout his proposal, nations and nationalism are addressed as early modern inventions that we need to leave behind. He considers them as the driving forces of modernity: initially as the means to foster its basic principles, currently as the elements that are blocking the achievement of those basic principles. As I will explain in Chapter 3, this idea results from the understanding of nations and nationalism that derives from Ernest Gellner's work. Following Gellner's view, Beck assumes the idea that nations and nationalism are intrinsically problematic in a cosmopolitanized world. Coherently, Beck explicitly rejects the account held by Anthony Smith, who argued that nations are prior to modernity and therefore potentially compatible with any transformation process such as globalisation. This rejection of nations and nationalism also applies to the individual dimension of this phenomenon: national belonging. On his attempt to critically reflect on the national outlook, he deconstructs the national features of identity, removing their national dimension. There is no need, he states, to understand the layers that define individual identity in national terms. Because of this view, in both collective and individual terms, Beck presents the principle of national secularism.

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multiple strong demoi in b) a democratic fashion while c) coping with the existence of distinctive public spheres [Lacey (2017) p.143].

This principle departs from the idea of religious secularism that was first applied widely in Europe with the Peace of Westphalia. The idea, following the Enlightenment's aspiration of rationality, was to separate the state from the church: both to prevent conflict and to eliminate traditional privileges deriving from the religious understanding of authority. In Beck's view, just as implementing the basic principles of modernity required religious secularism, we now need to apply national secularism. National secularism, then, is the account that promotes two principles: the first is the strict separation of the state from nationality. The second is that people of different nationalities are equal before the law. These statements constitute a strong normative standpoint. In Chapter 3, once I explain in detail the idea of national secularism in Beck's work, I focus on the first principle. Nevertheless, Beck does not explicitly divide the idea of national secularism into these principles: his account is more focused on highlighting the relevance of separating state and nation (i.e., the first principle), in broad terms. In my understanding, the normativity of this proposal links it to the debates of cultural, moral and political cosmopolitanism. In Beck's work, since he does not apply this taxonomy in his proposal, the three dimensions are blurred and not easily separable. Still, we can track the implications of his national secularism. In Chapter 3, I mainly focus on the moral issues within the cosmopolitan debates. The moral dimension refers to the relevance, if any, of nationality regarding the scope of our rights and duties. If we assume the first principle of national secularism, the idea of national institutions loses its *raison d'être*, directly eliminating not only the possibilities of patriotic partiality but also any secondary moral value of national belonging. That is precisely what I address in Chapter 3. The second principle of national secularism links more to the idea of the global community of risk that I will now introduce and then review in Chapter 4.

Community of Risk

The cultural dimension of cosmopolitanism refers to discussions about the way public institutions should interact with diversity. Diversity, in this respect, can refer to ethnic, cultural, religious or national diversity. The key element, from a cosmopolitan perspective, is how discussions about the latter connect to concerns about institutional legitimacy and the definition of the demos. If, following the principle of national secularism, Beck's cosmopolitanism rejects national framing when addressing culture, he subsequently also rejects the idea that nations constitute any valid source of legitimacy or demos defining feature. On the paradigms opposed by Beck, social theorists assume that national cultures have some sort of connection with demos formation and institutional legitimacy. These accounts tend to assume that the demos is the set of citizens who share a common feature: nationality. Of course, there are discussions about what nationality refers to specifically (e.g., shared language, culture, history, institutions, religion, ethnicity, etc.). Beck rejects the idea that the demos corresponds with a territorially settled group of individuals who share some common feature (mostly nationality). In his account - once again not very developed nor systematically built – if there is not such a thing as 'national culture', that path of reasoning necessarily fails: we cannot keep defining the demos in terms of nationality. Moreover, in addition to rejecting ethnic or cultural nationalist views, he also rejects the idea of multicultural nations. He even considers them easier to reject as, in his view, while multiculturalism has alleged cosmopolitan concerns, it makes the worst mistake a cosmopolitan can do: it essentializes and compartmentalizes culture. Therefore,

regardless of their attempted multiculturalism, in Beck's view nations cannot define the demos.

However, Beck does provide an alternative understanding of the community: the idea of the community of risk**.** According to this view, citizens no longer define their political allegiances on the basis of shared national identity. Instead, they join on the basis of the risks that they share and, if possible, fight together. Given that risks are not territorially delimited – as nations, in principle, are –, communities of risk have a global scope. However, he also realizes that these risks are experienced locally. That is why his latest proposal of a community of risk links the idea of cosmopolitan politicization to the city level, that is, to the construction of cosmopolitan cities as the main driving forces of reflexive modernity. Nevertheless, he argues that cities provide the necessary empirical bonds and material conditions to generate bottom-up initiatives that may both cooperate beyond the boundaries of the nation-state and include the interests of foreigners in the decision-making process.

Cosmopolitan Empire

Assuming, then, that institutions should apply the principle of national secularism and that the alternative way of ordering the world is through communities of risk, how is this translated to the legal-institutional domain? Once again, Beck does not provide a systematic and contrasted answer. However, he does refer to issues such as national autonomy, sovereignty, transnationalization, supranational integration or global democracy. He does so, mainly, with two issues in mind: the theoretical aspiration of dealing with global risks and the empirical aspiration of fostering the European integration process as an example of a post-national regime. On the latter, he advocates for various alternatives of global politics ostensibly capable of dealing with global risks, including world government, cosmopolitan democracy and global communities of risk (types of political and sub-political actors who join to deal with a specific threat). However, the one case that he explores most is the European integration process in general and the European Union in particular. He locates himself on the edge of the debates between federalism and multilateralism but, despite being close to authors such as Habermas, Held or Giddens, he does not believe that any of their proposals meets his cosmopolitan requirements. In his view, they all maintain the bias that has served as a ballast in international relations throughout second modernity: the friend/enemy, us/them, inside/outside dichotomy that follows the either/or logic settled following Carl Schmitt's writings.

Nevertheless, Beck also provides a different option capable of duly addressing global risks: the idea of a cosmopolitan empire built on the basis of a both/and logic. In particular, he develops the case of a European Empire. Given that my aim is not to analyse Beck's specific proposal for the European integration process but the underlying problematic normative elements, I extract the main patterns and treat them as part of the idea of a Cosmopolitan Empire. Particularly, I analyse the way he conceives it as post-hegemonic, post-nationalist and post-universal. In his view, while Europe has managed to reach relevant levels of integration mainly through the impact of the decisions taken by the European courts, it now faces the risk of a backlash of its cosmopolitan *ethos* and the rebirth of the national outlook. In his view, understanding the integration process as a Cosmopolitan Empire provides the necessary principles to ensure a synchronic interaction between national interests and common goals

(addressing global risks). In sum, he considers that conceiving Europe as a Cosmopolitan Empire will settle the grounds to institutionalize what he calls interior foreign politics: that is, that member states should deal with both national and transnational interests, without applying a clear-cut division between both dimensions.

As I have showed in this chapter, the debates on cosmopolitanism are quite broad and address a variety of normative topics that we can ascertain in Beck's proposal. The problem is that none of them is as neutral as Beck's understanding of his own proposal denotes. Furthermore, from the perspective of the study of minority nations and the fundamental understanding of pluralism they offer (i.e., without the burden of the zombie categories Beck aims to overcome), these underlying normative elements are quite controversial. This does not mean that Beck's cosmopolitanism fails to identify and diagnose the most important elements that we need to modify in order to adapt to the epoch in which we find ourselves. On the contrary, his cosmopolitan proposal provides a fruitful ground for both methodological and political progress. However, in his attempt to be completely realistic (as purportedly opposed to normative), he provides inaccurate or even mistaken guidelines as to how we should proceed. I am not arguing, as Dani Rodrik recently has, that we need to accept the status quo as it is: "we have to live in the world we have, with all its political divisions, and not the world we wish we had. The best way to serve global interests is to live up to our responsibilities within the political institutions that matter: those that exist"[353]. If Beck's cosmopolitan view provides a clear statement, it is precisely on the contingency of present-day institutions. Nevertheless, if we aim to modify this status quo, we must be very careful about the way we provide solutions: since the world we wish we had will only be achieved if we endow our proposals with the necessary normative and empirical grounds. Otherwise, the problem is precisely what Delanty states in his 2009 book: "Normative considerations relating moral and political standpoints are important for a critically oriented social science, but they need to be embedded in a framework that is empirically meaningful"[354]. I am afraid that in his quest for a cosmopolitan turn both in politics and research, Beck lost sight of the actual existing nations and their complex contingency, an issue that, in turn, has been largely addressed by the literature on minority nations. In the next three chapters, I will review the aforementioned normative elements underlying Beck's work. My main goal is not to express the exact answer he should have given, but to highlight how we should not take some of the elements that he introduces for granted. Even so, I present some *tout court* arguments on those issues, testing whether the knowledge coming from studies about minority nations, departing from Beck's proposal, can actually help build a stronger cosmopolitan view. That is what I will analyse in Chapter 6 with the case study of the United Kingdom vis-à-vis the European Court of Human Rights.

[353] https://www.socialeurope.eu/2017/02/global-citizens-national-shirkers/ (Dani Rodrik, Social Europe, 22/02/2017)
[354] Delanty (2009) p.16

3. NATIONAL SECULARISM

This chapter reviews the first and most fundamental normative element underlying Ulrich Beck's work, namely, his principle of national secularism. This principle is the way Beck takes his attachment to the postnational positions to its last consequences. Nevertheless, even if he allegedly rejects any homogenizing universalism, he joins the Habermasian view[355] that equates diversity with cultural diversity. Therefore, individuals can claim collective rights on the basis of cultural particularities that the state should grant, but there is no relevant meaning of national diversity in either moral, legal or political terms. The universal aspiration takes the postnational account to assume that addressing collectives beyond mere sources of cultural difference expressed individually implies assuming communitarian views that they plainly reject. In other words, postnationalism expects that institutions will subsidize or even grant cultural diversity insofar as its kept in the realm of individual rights and does not have any implications in terms of power. In terms of power, nations stop being a source of legitimate power divisions, appealing to more abstract notions or historical achievements such as the constitutional regime that binds all citizens together[356]. In this way, it aims to break the nationalist logic within modernity that John Stuart Mill stated so explicitly back in 1861: "a portion of mankind may be said to constitute a nationality if they are united among themselves by common sympathies which do not exist between them and any others—which make them cooperate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves, or a portion of themselves, exclusively"[357]. We have seen how, according to Beck's account of the ongoing cosmopolitanization of reality, this logic is not valid anymore, at least not uncritically and unreflectively. The question, then, is how does this affect the individual and the societies where these individuals belong and interact.

The school of thought in which we may locate Beck's account has, however, two different expressions: postnational and post-nationalism views. The former refers to the descriptive statement that neither national belonging nor nation-states matter in any way anymore. In a sense, this account explicitly rejects national identity and, thus, is held by few authors[358]. The latter accepts that nations and national belonging continue to be relevant, but believes them of lesser political importance than in early modernity. In this account, the main problem, then, is the political expression of nations and national belonging: nationalism. Most of the authors that share Beck's concerns about the transformations within modernity (Archibugi, Giddens, Held, Habermas, Pulcini) are mainly focused on the second account, although they do so using the word 'postnational' in their works. Therefore, unless I explicitly say the opposite, whenever I refer to 'postnational', I will be referring to the above explained concept of 'postnationalism'. In the case of Beck's cosmopolitan proposal, as I show in this chapter, his account is located somewhere in the middle: while in some parts of his work he plainly rejects nations and national belonging as 'zombie categories' that we need to overcome, in other parts he assumes they are relevant or even fundamental. Still, in all these cases, he shares the postnational idea that "communal identities no

355 Habermas (1995) p.108
356 *Idem* p.77
357 Mill (1961) Chapter XVI
358 Breen & O'Neill (2010) pp.2-3

longer draw from distinct cultures but rather from institutional practices and arrangements such as democracy, citizenship, civic rights, and so forth (...) such arrangements are culturally unmediated, that they are somehow trans- or extra-cultural"[359]. In his case the variation comes from the idea that his account is not restricted to the institutional dimension but to the new socio-political patterns generated by global risks (which include institutions along with many other dimensions). I explore these patterns in Chapter 4.

Little wonder, postnational views are based on individual and collective transformations resulting from globalization - particularly after 1945[360] - that we can trace in Beck's work. On the individual domain, the accounts move from those who consider identity as a result of intersubjective dynamics[361] (i.e., I have the identity X as a result of the interaction with other individuals, but those interactions are not delimited by any external a priori driving force - such as national societies - beyond the institutions that grant equal citizenship) and those who hold a more radical view arguing that identities are actually globalised in such a way that they do not answer to territorial patterns anymore. As I will show, even within debates on multiculturalism, some authors hold a postnational account, arguing, broadly, that those who accept nations and national belonging as relevant means for cultural diversity are essentializing culture. From a collective perspective, the transformation described by postnational views is threefold. First, it refers to the rise of a global economy: the globalization of capitalism and the results of scale economy in international trade - delocalization, (un)fair competition, rise of global inequalities - together with the increasingly free movement of goods (material and financial) and services. A dynamic that has been thoroughly addressed by social sciences in general and economics in particular[362]. The second collective pattern of globalization that justifies the postnational view refers to the rise of global threats. I have already addressed these elements in previous chapters, but they refer primarily to the new challenges that humanity is facing. Finally, the third element that purportedly shows that we are in a postnational context is the rise (quantitative) and increasing influence (qualitative) of international institutions. These three elements, on a postnational account, show that we cannot continue to define political communities in merely national terms nor can we maintain the direct connection between legitimate authority and political representation with the institution of the nation-state. Therefore, nationalism is not compatible with the global trends described by postnational authors.

The question, then, is where, specifically, does this leave the nation, national belonging and nationalism? In individual terms, does the pluralization of identity imply the abandonment of national identity *per se*? Is it plausible to think that nationality can be transformed and expanded to be compatible with that pluralization of identity? What is the relationship between nationality and citizenship in a postnational account and what

359 Nimni (2010) p.28
360 Habermas (1998) p.67-70
361 Habermas (1996) p.195
362 Two seminal works on this matter are Dani Rodrik's *Has Globalization Gone Too Far?* (1997) and *The Globalization Paradox* (2011), where he keeps developing his idea of the world economy trilemma (in a globalised economy we are allegedly forced to choose two of the three following elements: maintaining nation-state sovereignty, the rule of democratic politics and the integration of a global trade market). Both works have given rise to thorough technical and normative discussions about global economy and its consequences, including Anne Marie Slaughter (2004) *A New Global Order*, Pranab Bardhan, Samuel Bowles, & Michael Wallerstein (2006) *Globalization and Egalitarian Redistribution,* Mathias Risse (2013) *On Global Justice* or the most recent Branko Milanovic (2016) *Global Inequality: A New Approach for the Age of Globalization*

relationship, if any, should there be? In collective terms, in turn, the questions that arise include: is there any genuine form of nationalism compatible with the adequate management of the consequences of globalization? Can we articulate national projects with the advancement of supranational integration processes and the observance of a transnational agenda? Is there any connection between the shared sense of national belonging and a specific set of rights gained as a consequence of historical struggles? If so, how can postnational views ensure the maintenance of those rights? In this third chapter, I mainly focus on the grounds of these debates within Beck's work, before directly addressing those debates in Chapters 4 and 5. Thus, I focus on the idea of the nation underlying his cosmopolitanism as an expression between postnational and postnationalist accounts. I do so by analysing and reviewing the most illustrative element of his proposal: the idea of national secularism that rises from his account of cosmopolitan tolerance. Section I describes in detail his idea of national secularism. First I refer to the more or less radical expressions of this idea throughout his work, and then I describe its explicit formulation. In Section II, first I focus on the theory of nations and nationalism that lays the foundation of Beck's cosmopolitanism: Ernest Gellner's functionalist proposal. Then I explain how this account fits in Beck's explanation of the social dynamics of the post-industrial or global risk society. In Section III, I argue that, regardless of which historical explanation for the rise of nations and nationalism is the correct one, the current expressions of nations and nationalism provided by the literature on minority nations shows that applying the principle of national secularism will be both morally and politically problematic.

Section I: The 'problem' of accommodating national diversity

In this section, I first analyse, throughout his works, Beck's idea of postnationalism. I do so through the analysis of his views on the individual, collective and political dimensions of national identity. Then I introduce the concrete principle of national secularism based on the idea of cosmopolitan tolerance.

Between patronising and soft cosmopolitanism

The tendency to embrace postnational views and, to a lesser extent, postnationalism, hovers over Beck's entire work. Nevertheless, in his account of reflexive modernity, the attempt to maintain basic Enlightenment principles requires a transformation of its basic institutions[363]: namely, the transformation of the nation-state to give way to global politics. According to his cosmopolitan intent, it is clear that we cannot keep assuming traditional divisions of modernity uncritically and unreflectively[364]. In the particular case of the nation-state, this implies addressing their loss of legitimacy and power vis-à-vis global risks as well as considering their interactions with new political and sub-political actors[365]. The question is whether this implies "suppressing the difference between the national and the international"[366] or assuming the need to deal with "the national-transnational conflict and initiating a national-transnational dialogue"[367]. Beck himself explicitly recognizes[368] that many cosmopolitan authors are actually expecting that the transnational opening of the frameworks of experience and social life will lead to the separation of the nation from the state, which will leave nations as merely folkloric or cultural phenomena. The question is the extent to which his own cosmopolitan proposal, where postnational and post-nationalist views are often blurred[369], does not tend to imply those same consequences. In other words, to what extent is the following claim valid and what are its implications: "the cosmopolitan outlook means that, in a world of global crises and dangers produced by civilization, the old differentiations between internal and external, national and international, us and them, lose their validity and a new cosmopolitan realism becomes essential to survival"[370]. Does Beck actually hold, in a coherent and reasoned manner, that the us/them division is definitively (or should definitively be) lost? Answering this question implies reviewing three elements throughout his work: individual identity (national belonging), collective dimension of that identity (nation) and political implications of that identity (nationalism).

If we focus on the individual dimension, we may see how Beck conceives the relationship between the nation and the individual throughout his work. We may distinguish at least two approaches: what I called the *soft cosmopolitan view* and the *patronizing cosmopolitan view* on identity. The first account, the *soft cosmopolitan view*, is close to Jeremy Waldron's cultural cosmopolitanism explained in Chapter 2. In

363 Beck (2007) pp.308-309
364 Beck (1999) p.119
365 *Idem* p.61
366 Beck (2007) p.308 [my translation]
367 Beck (1999) p.22 [my translation]
368 Beck (2002) p.69
369 Beck (1999) p.20
370 Beck (2004a) p.14

this view, national identities and loyalties, analysed from the standpoint of reflexive individualization, are pluralised (locative polygamy, where globalisation connects the individual with both local and global frames of reference[371]), simultaneously experienced[372] or, in sum, framed in national-global and global-global relational patterns[373]. On this softer cosmopolitan view of identity - which, as I will explain in Section III, I found as necessary as appealing - is manifested through locally rooted and globally aware citizens[374] whose identity is expressed in national terms but also transnationally: as global consumers[375], as nationally nuanced global citizens[376]. As Beck himself explains, it is not about creating a new exclusive cosmopolitan identity: "Cosmopolitan sensibility and competence arise from the clash of cultures within one's own life (…) we need to warn against the cosmopolitan fallacy. The basic fact that human experience is being subtly altered by the opening to cosmopolitanization should not mislead us into assuming that we are all becoming cosmopolitans"[377]. Therefore, the problem with this account is not so much that individual biographies are defined both nationally and globally (among other dimensions of identity), but that institutions, both political and sub-political, keep acting as if they were merely national[378].

However, that softer view of national identity coexists - even within the same works - with a much more demanding account: what I call the *patronizing cosmopolitan view*. In this view, difference and a sense of otherness are conceived as driving forces of social stigmatization[379]: elements that generate exclusion, unequal socio-political status or, in sum, conflict. Even if those differences might be presented as inclusive, Beck says, the mere fact of identifying them can led to the seemingly slippery slope of inclusive differentiation[380]. His main focus is on the "ontological emphasis on ethnicity"[381] that he believes to be attached to national belonging and that cosmopolitanism should oppose. Thus, his cosmopolitan account holds that if we are "lucky enough"[382], a democratization of culture will lead to the substitution of traditional certainties such as national belonging by a legally sanctioned individualism. Even if he does acknowledge that cosmopolitanism needs to be compatible with the "reflexive awareness of ambivalences in a milieu of blurring differentiations and cultural contradictions"[383], he does not seriously address how individuals actually experience those diversities. He is very much focused on the 'mixture' element of cosmopolitan identities, while setting aside or even disregarding the possibility of individuals experiencing a specific national belonging. The most concrete cases of this rejection are the certainly simplistic critiques of multiculturalism that, as I will address in chapter 4, he provides throughout his work. In his account[384], the fact that some individuals may express their attachment to certain traditions, cultural particularities or even landscapes in national terms is intrinsically symptomatic of a pre-modern (tribal), first modernity or even illiberal position.

371 Beck & Beck-Gernsheim (2002) p.74
372 Beck (2002) p.71
373 Beck (2004a) p.76
374 Beck (2002) p.70
375 *Idem* p.32
376 Beck (1999) p.25
377 Beck (2004a) p.89
378 Beck (1986) p.223
379 Beck & Beck-Gernsheim (2002) p.179
380 Beck (1997) p.84, footnote
381 Beck (2004a) p.61
382 Beck (1999) p.15
383 Beck (2004a) p.3
384 Beck (2002b) p.36

Actually, my hypothesis on why these apparently contradictory views of the impact of national belonging on individual identity coexist is twofold. From the one side, it seems that in those passages where Beck is explicitly addressing issues of identity from a reflexive account, he honestly commits to a soft cosmopolitan understanding. Nevertheless, once he focuses on the global risks and the need for dealing with them, the stronger *patronizing cosmopolitan view* arises. However this contradiction might seem perfectly understandable (a kind of 'we have more important issues to concern oursevles with' standpoint), it shows one of the weakest pillars of his work. Moreover, it is precisely the work developed with another author - Edgar Grande, who holds a more explicit commitment to national diversity in his own cosmopolitan account[385] - where this contradiction is less visible among his cosmopolitan works. From the more theoretical side, the element that misleads Beck's approach to the role of national belonging in his cosmopolitan view is his understanding of culture. Setting aside broader references to culture as the sphere of freedom where individuals live together equally but diversely[386], the key issues are both the necessarily ontological[387] and ethnic (or even natural-deterministic[388]) understandings of the national cultures. Accordingly, not only cultures have to be studied globally for analytical reasons[389], but also for political motives: otherwise, the national understanding of culture assumes the myth that "defining and demarcating ourselves over against what is foreign is a precondition of identity"[390], necessarily leading to conflict. However, once we take as a given his statement that even if cultures are opening up globally, they still don't lose their local roots[391], this connection falters. There is a gap in his argument, then, as to why the individual's identification with a national culture, as a way of expressing national belonging in a cosmopolitan way, is necessarily problematic. A gap that, in turn, is only filed by his programmatic goal of fostering the *secular religion of human rights* where "all positions involving the negation of individuals - of ethnicity, caste, class, religion and gender - are transcended in the equality of a new, more humane global order: all peoples, states, religions, ethnic groups living united under human rights raised to the status of law"[392]. However, as I will show in Section III and Chapter 4, this purportedly clash has nothing to do with the sources of individual difference such as national belonging but with certain specific political articulations of those differences.

That is precisely why it is so important to address the second element of analysis: the collective dimension, that is to say, the bond between nation, territory and society throughout Beck's work. In this dimension, the tensions between a postnational and a post-nationalist understanding of the collective also arise. However, the balance seems to fall towards the latter: "the experiential frame of national societies, shut off from one another by a unified language, identity and politics, is increasingly nothing more than a scam"[393]. The collective dimension of national belonging, understood as territorially delimited expressions of difference, is described as a set of stereotypes borrowed from the past[394]. However, he also seems to accept - although he is not clear about whether he

385 Hutter, Grande & Kriesi (2016) p.33
386 Beck & Beck-Gernsheim (2002) p.77
387 Beck (2004a) p.17
388 Beck (1995) p.132
389 Beck (1997) p.80
390 Beck (2004a) p.4
391 Beck (1997) pp.101-102
392 Beck, (2004a) p.141
393 Beck (2002a) pp.12-13
394 Beck (2004a) p.165

is merely taking the rough with the smooth in terms of accepting a sort of undesirable while inevitable human trend - some degree of national definition of society[395]. In whichever case, Beck's cosmopolitanism assumes that in the new reflexivity forced by global risks, the early modern tradition of national belonging is being "confronted with a kind of banal cosmopolitanism"[396] that does not have a territorial bond[397]. Instead, identities are experienced in society in a boundaryless manner (or, at least, with more 'transparent' boundaries[398]): the us-them division underlying nations is, in Beck's view, either abandoned[399] or banalised[400]. Nevertheless, he believes that national divisions cannot stand the multiple processes of mobility and the increasingly common transnational relations[401]. At best, this leads to a substitution in the inclusive nationality's imaginary by an inclusive nationality's imaginary[402], although as I have already noted, Beck himself doubts its mid-term feasibility in cosmopolitan terms.

The idea of the nation underlying this view is of the nation as container model of society (which, as I explain in Section II, draws from Ernest Gellner's account of the nation). According to this account, the "reciprocal determination of state and society"[403] keeps being reinforced even though "these state organized national 'containers' have long since ceased to exist as empirical realities"[404]. In Beck's view, this "territorial prison theory of identity, society and politics"[405] is the counterimage of the cosmopolitanization process of transformation in which the world risk society is immersed. This has a double aspect: one of them refers to the formation of the nation as a collective dimension of identity and the other refers to its role as a collective driving-force (i.e., the individual-collective and collective-individual dynamics). On the former, Beck argues that the elements that ostensibly constitute a nation are actually experienced by the individual transnationally and not territorially. He illustrates this view through the case of the memory of a common - troubled - past: in his view, these features of the national imaginary are actually the result of transnational interactions of violence suffered by individuals[406]. Thus, a cosmopolitan approach should focus on breaking this delimitation and providing the spaces for a boundaryless approach to trauma that both breaks the container and therefore unfolds new paths for a global memory where mutual understanding and cooperation are more likely[407]. Regarding the collective-individual side of the coin, Beck argues that the nation understood as a container blocks the bottom-up dynamics of sub-political action[408]. Nevertheless, that model assumes a homogeneous account of society where the nation is equated with the state as the only legitimate actor to exert power. Therefore, individual action is expected

395 Beck (1997) p.148
396 Beck (2004a) p.41
397 Beck (1997) p.52
398 Beck (2004a) p.8
399 Beck (1997) p.157
400 "The reinvention of tribalism in the second modernity does not have to remain bound to a naïve essentialism. It can also use 'expressivity' in all spheres of life (from food to art) to define, demarcate, reaffirm and celebrate the 'we' in its various modes of expression" Beck, U. (2004a) p.116, often falling into the cosmopolitan error that Beck himself denounces of reducing national expressions of identity to mere folkloric phenomena.
401 Beck (1995), p.137
402 Beck (2002), p.276
403 Beck (2004a) p.27
404 *Idem* p.173
405 *Idem* p.7
406 Beck (2002) p.79
407 *Idem* p.81
408 Beck, Lash, Giddens (1994) p.39

to be contained within the collective. However, if we accept that risk society is based on both reflexivity and self-critique[409], then the national orthodoxy breaks up, thus making way for new opportunities of power[410].

In sum, Beck's idea of the nation as an expression of collective identity appears to result from the contraposition of nationalism and cosmopolitanism. Nevertheless, as I explain in the following paragraphs, nations are not the sum or articulation of individual belongings, but the result of nationalism. In his view, nationalists have distorted the idea of recognition up to the point of making it anti-cosmopolitan: "The perverse character of this anti-cosmopolitan understanding of the 'recognition' of difference resides in the fact that the principle of tolerance is twisted into its opposite, namely, an aggressive intolerance of others. The principle of incommensurability makes it possible to draw sharp new boundaries in a world of imprecise divisions only because it repudiates and destroys any form of transnational reality and understanding"[411]. Therefore, given the ongoing cosmopolitanization process, the idea of 'national' as a cultural, political or even economic label is progressively losing its meaning[412]. Thus, Beck holds that societies are abandoning the territorial orthodoxy of the nation, so far assumed as an a priori[413], and cosmopolitan republicanism becomes closer than ever before[414]. In sum, the constitution of truly cosmopolitan societies requires[415], according to Beck, that the imaginary of the double (i.e., national and transnational) homeland substitutes the homogeneous and territorially defined national homeland as culturally separated from the 'other'. Thus, it is not just that the idea of having special bonds with fellow nationals loses its meaning as a result of the constant reflection about the 'us'. It is rather that global interconnectedness generates special bonds that compel individuals to care for the 'distant other'[416].

This account of the nation as a way of addressing society is described in contraposition to cosmopolitanism precisely as nations are considered the result of a concrete account of nationalism. That is, finally, the political implication of considering national belonging a political driving force to articulate particular societies. As I have already mentioned, Beck's main concern encompasses both global risks and human rights, which are necessarily incompatible[417] with any ideology that praises the account of the nation that I have just outlined. Little wonder, in Beck's view nationalism keeps basing states on an imagined 'us' that excludes the 'other'[418]. From a cosmopolitan standpoint, in turn, "the idea that domains and horizons of experience of national societies constitute hermetic enclaves differentiated by national languages, identities and politics

409 *Idem* p.25
410 Beck (2002) p.28
411 Beck (2004a) p.116
412 Beck (1997) p.35
413 Beck (2002), p.239
414 Beck (1997) p.26
415 Beck (2002), p.142
416 Beck (1999), p.118
417 "The opposition between human rights and human groups relates to spaces, and hence can be reterritorialized in the form of calls on states to transform themselves from national to cosmopolitan states, that is, to see their primary task, internally, in protecting and fostering human rights and the wealth of cultural diversity and, externally, in contributing to guaranteeing human rights in other countries. The measure of this inner cosmopolitanization of the world of states is the extent to which the opposing concepts of the first modernity are de-essentialized. Thus nationalists become the neonationalists who cut themselves off from or defend themselves against the de-essentializing demands of human rights". Beck, U. (2004a) p.142
418 Beck (2002), p.107

is becoming increasingly mythic (…) the social presuppositions for the nation-state – the identity of space, people and state – no longer exist, even if the new organizational forms of the (cosmo)political are not yet clearly available"[419]. The fact that global risks appeared mixed and charged with ethnic, national and resource conflicts, he argues[420], maintains the nativist claims of national sovereignty. However, global risks keep pushing individuals and societies to face challenges that happen beyond the national borders[421] up to the point of permanently questioning both the validity and the capacity to deliver of the national institutions[422]. The main obstacle to overcoming this framework of conflict and constituting cosmopolitan institutions, then, is nationalism and its alleged toxic anchoring of either us or them logic and subsequent political incompetence[423]: "From the cosmopolitan perspective, nationalism is particularly toxic not only because of the overt justification it gives to global wars and global inequalities. It is dangerous on account of its cognitive status: nationalism defines and ossifies our political and social scientific frameworks and our most basic categories of thought and knowledge. Nationalism as an ideology thus limits not only what we can imagine and wish for but, more importantly, what we know and how we conceive of reality. The most basic categories are indeed captive to the national order: citizen, family, class, democracy, politics, state, etc. - all are nationally defined"[424].

That is precisely where Beck concentrates his critique: methodological nationalism. This account, explained in relatively diverse ways throughout his work[425], can be synthesized as follows[426]: the apparent congruence of territorial, political, economic, social and cultural borders, on the one side, and the corresponding individual dynamics observed by actors with potential transformative power - i.e., political (nation-state) and sub-political (including NGOs, consumers, social scientists and lobbies) institutions. The key element is that, according to this account of the nationalist view, socio-political phenomena occur within the nation-state limiting the management of global risks to individual action (i.e., the individualisation of global risks). According to Beck, this view fails for the following reasons[427]: (1) domestic political issues are no longer linked to the actors, topics, bureaucracies and authorities assumed by nationalism (namely, nation-state), (2) post-nationalist states may keep having the potential of dealing with those phenomena that break with its boundaries insofar as they accept their transnational role, (3) the essential character of the nation assumed by nationalism needs to lead into a contingent understanding of the state capable of transforming itself according to the issues it needs to deal with and (4) the assumption that the state is legitimised by the nation blocks any attempt to build legitimate institutions for a world that has turned cosmopolitan. However, Beck still argues that "only a nationalism modified in a cosmopolitan direction can exploit the political potential for cooperation between states, and thereby regain the ability to solve national problems under conditions of

419 Beck (2004a) p.87
420 Beck (1999), p.57
421 Beck (2007), pp.65-66
422 Beck (2002), p.133
423 Beck (1995), p.104
424 Beck (2016) p.55
425 Beck does not provide a systematic taxonomy of methodological nationalism that is recurringly addressed, reviewed and nuanced throughout his book. Instead, he seems more focused on broadly identifying (both theoretically and descriptively) its negative effects as a way of justifying his cosmopolitan proposal.
426 Beck (2007), pp.227-2240
427 Beck (2002), pp.82-86

interdependence"[428]. Once again, it is not clear then whether Beck actually plainly rejects nationalism as a sort of collective self-deception[429] incompatible with his cosmopolitan concerns or, on the contrary, whether he relies on its transformation.

My hypothesis is that this amalgam of varied or even contradictory views hides an assumption about nations and nationalism that comes directly from the traumatic experience of (1) national-socialism, (2) ethno-national conflicts all around the world and, particularly, in the Balkans, and (3) the obstacle of state-nationalism for building a cosmopolitan institutional settlement capable of addressing global threats (particularly in the case of the European integration process). That is why Beck portrays nationalism - as the ideology that claims the political relevance of nations and national belonging - as a sort of counter-modern force linked to violence and esoterism[430]. As I will argue in Section III, I am neither denying nor ignoring the negative phenomena linked to nationalism, however simplifying it might be to consider them a univocal consequence of nationalism. Neither am I ignoring the need to transform reflexively and critically both nations and national belonging, as well as nationalism itself. Beck rightly warns about the traumatic consequences of not addressing this endeavour[431]. However, while doing so he provides a cosmopolitan understanding of nations that excludes as intrinsically wrong expressions of national belonging, nations and nationalism that might not meet his cosmopolitan requests[432]. That is where his ostensibly descriptive cosmopolitanism is, to say the least, normatively incomplete. The unsolved tensions and contradictions, despite his - positive - ambition of recognising diversity[433], prevent his cosmopolitan proposal to provide an adequate alternative. In a way, he suffers from the same weakness that he attributes to nationalism: he "no longer understands the world"[434]. If his realistic cosmopolitanism would have stuck to its negative definition ("not by what it aims at but by what it seeks to avoid at all costs, namely, fascistic conformism [Gleichschaltung], systematic violation of human dignity, genocide and crimes against humanity"[435]) the problem might have gone unnoticed. However, as his principle of national secularism shows, the implications of his cosmopolitanism go far beyond being unnoticed.

National secularism unpacked

The idea of national secularism, as I have described, was not explicitly formulated, throughout Beck's book. It goes, in my view, one step further than Beck's (but also Giddens'[436], Fraser's[437], Innerarity's[438] or Pulcini's[439], among others) cosmopolitan goal[440] of overcoming fake divisions and embracing the transnational forms of life

428 Beck (2004a) p.62
429 Beck (2002) p.305
430 Beck, Lash, Giddens (1994) p.63
431 *Idem* p.54
432 Beck (2002) p.80
433 *Idem* p.72
434 Beck (2004a) p.157
435 *Idem* p.59
436 Giddens (1999)
437 Fraser (2014)
438 Innerarity (2016)
439 Pulcini (2013)
440 Beck (1997) p.42

resulting from globalisation. However, there are some veiled references in his work[441] where the core of this principle is almost explicitly stated: the idea that cosmopolitanism has to be nationally indifferent in the same way as the Westphalian regime led to areligious states. The premise underlying this reasoning is, basically, twofold: nationalities, like religions, are sources of conflict and violence. Given that those conflicts are institutionally channeled through the state, if we detach the state from any given nationality (i.e., if we separate the nation from the state), then different nationalities will not clash and generate conflict or even violence. According to Beck, this statement is part of his descriptive or methodological cosmopolitanism (as opposed to a normative or political account)[442]. However, once we analyse that principle in detail and take it to its logical conclusion, we realise that it is far from being normatively neutral. This lack of neutrality rises from two assumptions underlying his principle of national secularism: the comparison of national diversity with religious diversity and, following this parallelism, the understanding of institutional tolerance regarding national diversity.

The equivalence of national and religious diversity held by Beck departs from the understanding[443] that, in reflexive modernity, the features of identity are (or can and should be) individually developed. This assumption posits that the secularisation process is an inevitable result of the modernisation process with universal scope[444]; that is to say, it potentiallys affect everyone everywhere. Therefore, a cosmopolitan proposal that aims to grant recognition has to interiorise the need of overcoming exclusive universalism[445] while avoiding the artificial divisions of modernity. Moreover, if we accept the methodological intent underlying Beck's cosmopolitanism, maintaining artificial divisions will not allow adequately grasping actual diversity, be it national or religious[446]. A goal that directly clashes with the universal aspirations of the major early-modern sources of identity (i.e. religions and nations): they flourish on the basis of a hierarchical, homogeneous and exclusive understanding that necessarily fosters the division between us (the believers, the nationals) and them (the non-believers, the foreign)[447]. The transformation comes, according to Beck, from the unavoidable force of the ongoing cosmopolitanization that makes the boundaries multiple and contradictory[448]. Nevertheless, the erosion of those boundaries forces the involuntary confrontation with the unknown other on a global scale[449]. That is what Beck calls a *forced secularization process*[450]: identity stops being experienced within the containers of early modernity, which is an idea that he develops through the analysis of religious diversity.

The religious experience, Beck argues[451], faces the complete myriad or constellation of both universal religions and the plurality of very specific symbolic and spiritual worlds. This constellation, can be appropriated by many institutions, including anti-cosmopolitan or extremist groups. However, the difference with early modernity is that

441 Beck (2002), p.141
442 Beck (2007), p.241
443 Beck (2008) p.30
444 *Idem* p.31
445 *Idem* p.81
446 *Idem* p.33
447 *Idem* p.65
448 *Idem* p.61
449 *Idem* p.77
450 *Idem* p.35
451 *Idem* p.37

they are no longer experienced in controlled or delimited manners: that is to say, they do not explicitly answer to uncritically settled traditions any longer. That is why, he argues, while the ongoing cosmopolitanization *religiousness* is not losing ground as a social driving force, *religions* are losing devotes[452]. The difference with the traditional universal aspiration of religion is that the boundaryless community of believers is not isolated from the community of non-believers[453]: they are both forced to share, for the first time, the same global community. That is where the key element of Beck's understanding of cosmopolitan secularization enters the scene: individualisation[454]. Nevertheless, while Beck argues that the cosmopolitan secularization of religion blurs the lines between traditional differences, this does not mean the vanishing of religion but the individualisation of religious belief.

He holds that religious praxis does not empirically meet territorially or nationally defined norms: sacred places, authorities and organisations are replaced by an individual experience closer to the experience of Jewish citizens in the United States than to the idea of North-African Muslims or Indian Hindus[455]. In his view, while the former does not depend on a defined institution to experience his beliefs and can actually share his faith with Jewish people all around the world, the latter - or, more exactly, the idea we persist in having about the latter - seems to attach the belief to a territorially defined institutional framework. According to Beck, this view ignores the complexity and diversity both between and within apparently consolidated religions. Beck[456] claims that if we acknowledge that diversity, we will realize that not only do North-African and British Muslims share more beliefs that we tend to assume, but so do a believer in Christianity and a believer in Islam[457]. That is precisely why he believes it important to distinguish between the noun *religion* and the adjective *religious*. The former, he says[458], considers religion as a perfectly separated sphere of action, comparable with other spheres such as economy, science or politics. This assumption necessarily implies, he argues, a separation between us and them that does not correspond with the current reality. The latter, the adjective religious, in turn, does not imply belonging to any organisation but having a certain attitude regarding the existential inquiries of human beings. That is why he advocates for a cosmopolitan account of religious secularism capable of grasping that new reality of plural or even contradictory existence of religious individuals[459]. A secularism that does not aim to reject diversity, but has a concrete institutional dimension. That same cosmopolitan secularism that he suggests should be applied to national diversity.

Does this mean that Beck argues in favour of individualising *in* the religious belief (as protestantism does)? No, he defends[460] the individualisation *of* the religious belief: the community of believers is the result of a sum of individual elections, not something that precedes the religious belief. He illustrates this with a creative understanding of the

452 *Idem* p.69
453 *Idem* p.71
454 *Idem* p.28
455 *Idem* p.43
456 *Idem* p.58
457 It is not the aim of this thesis to analyse whether Beck's analysis of religious pluralism is empirically accurate but to show that the logic underlying his analysis as the principle of national secularism follows that same logic.
458 Beck (2008) p.59
459 *Idem* p.82
460 *Idem* p.90

cartesian principle: *cogito ergo sumus*[461]. However, it is important to note that it is not the individual who consciously decides to experience religious belief individually: according to Beck, individualisation is forced by modernity[462]. Furthermore, he is aware of anti-cosmopolitan dynamics that reinforce the early modern divisions[463]: the key issues is that regardless of their standpoint vis à vis cosmopolitanism, those individuals will experience the ongoing cosmopolitanization v. Whether they experience it peacefully or in conflict will mainly depend on the way they face it. The contribution of his proposal is that, due to the unavoidable experience of global risks, individualisation is no longer delimited within the institutions of early modernity (i.e., the religion or the nation).

Beck's proposal, then, is to adapt the institutions to this new reality by universally promoting an institutionalised *reflexive* individualisation: a set of principles that may grant all the dimensions (civic, political, social or even religious) of individual freedom[464]. Unlike early modernity's institutionalised individualisation, reflexivity implies that institutions no longer provide a standardised set of elements to build the biographical and social identity that may predefine a path for practising the freedom they aim to ensure[465]. Institutions, then, no longer provide a sense of belonging that individuals assume passively: it is the individual who permanently reviews 'who are we'[466]. The pronoun 'us' itself is abandoned due to its segregating and conflict-generating nature[467]. The reasonable doubt is whether this implies that Beck therefore rejects the idea of community or collectivity itself. In his words, what he rejects is the idea that communities presuppose an external a priori bond[468] (such as *the* nation or *the* religion). He is even surprised about the fact that despite the reflexive individualisation[469] and the coexistence of multiple identities (both individual and collectively)[470] Christians keep calling themselves Christians[471].

The question, then, is how he proposes that institutions should deal with that diversity of forms of believing. In other words, once it is clear[472] that individuals - and not religions - are the source of religious belief, that religiousness is experienced in a territorially and institutionally unbounded fashion and that the pluralisation/transnationalization of religious beliefs, how should institutions - and, more concretely, states - deal with religious diversity[473]? He finds the answer in the idea of cosmopolitan tolerance, that ostensibly assumes a realistic conception of diversity: as a mixture, a denaturalised and denationalised mixture of identities[474]. Thus, he claims that cosmopolitan tolerance not only does not deny the ethno-religious plurality, but

461 *Idem* p.87
462 *Idem* p.102
463 *Idem* p.93
464 *Idem* p.103
465 *Idem* p.131
466 *Idem* p.132
467 *Idem* p.133
468 *Idem* p.86
469 *Idem* p.146
470 *Idem* p.147
471 *Idem* p.148
472 *Idem* p.149
473 Beck does address (*Idem* pp.159-165) the specific case of post-secularism as proposed by Habermas, but as he only focuses on the case of religious diversity, I will not address it in this thesis.
474 *Idem* p.156

merely removes their divisive power[475]. However, in the meanwhile, he continues to claim that by doing so, cosmopolitanism aims to overcome the "fake categories"[476] of one country, one citizenship, one national identity. In his view, transnational or cosmopolitan tolerance will show the individual that the nation as such has lost its function or is taking a back seat regarding individual identity[477].

In my account of Beck's cosmopolitanism, as I will show in Sections II and III, this permanent contradiction between praising a plural account of diversity based on the principle of institutionalised reflexive individualisation and the constant disdain regarding national belonging stems from the assumption of a very specific idea of nations and nationalism (as described by Ernest Gellner). This conflict is even clearer when we address the logic underlying his idea of tolerance. Curious enough, Beck himself seems to reject an account of universal tolerance that might drive out difference through a process of structural equalisation that he clarifies as "structural intolerance"[478]. In opposition to this account, in his view, the idea of tolerance should overcome the either-or logic that results from the application of the aristotelian principle of no-contradiction to identities (i.e., something is either A or no-A)[479]. His sincretic account of tolerance departs from the idea that identities follow the logic of both-and. He argues that institutions can only promote this counter univocal[480] logic if they assume a cosmopolitan tolerance principle. This account of toleration, Beck argues, goes beyond the Lockean account of tolerance. He argues that this account of tolerance is not capable of overcoming the false divisions between diverse identities, but sets them aside in the private domain of the individual[481]. Instead, the cosmopolitan tolerance account considers individual expressions of diversity as a positive value. Still, his critique of the Lockean account of toleration[482] does not refuse institutional neutrality as a way of opposing institutional establishment, but merely complements neutrality with positive acceptance and recognition[483]. That is to say, institutions should renounce identifying with any *normalised* form of identity (as it would imply applying the either-or logic) while praising individualised forms of diversity.

In a way, it seems that Beck is embracing the accommodationist tradition of tolerance as opposed to a more Lockean account based on neutrality. However, even if the accommodationist account also aims to formally protect individual consciousness, in practice it goes beyond the mere individual protection[484]. The accommodation tradition aims to protect minorities vis à vis majorities[485], which necessarily falls beyond the individualised account held by Beck. As Martha Nussbaum asserts, the Lockean account is focused on "whether the law is 'a neutral law of general applicability'"[486]. The problem is, she follows, that the basic goal of protecting equal liberty in liberal democracies (such as the one Beck has in mind, given his constant references to Europe) "reaches subtle forms of discrimination that are ubiquitous in majoritarian

475 *Idem* p.183
476 *Idem* p.174
477 *Idem* p.190
478 *Idem* p.79
479 *Idem* p.72
480 *Idem* p.76
481 *Idem* p.122
482 *Idem* p.124
483 *Idem* p.80
484 Nussbaum (2012) p.79
485 *Idem* p.74
486 *Idem* pp.81-82

democratic life"[487]. In that sense, despite the primary aim of protecting the individual, the account of tolerance that aims to actually protect the individual should recognise some sort of collective dimension to be truly effective. Still, in the case of religious pluralism, the question does not seem to institutionalise diversity, but attempts to ensure diversity without institutionalising it. The answers to this question range from advocating for a "spirit of curiosity, openness, a sympathy, and a generosity to our neighbours that extends beyond our own self-concern"[488] and a more restrictive account that advocates for mere civility as "an effective way of communicating our disapproval"[489]. Beck seems closer to the former, although neither historically nor in the present day[490] is it clear which account best manages to reconcile the tensions between diversity and disagreement. He does seem to defend the idea that secularism, in order to be truly cosmopolitan, should embrace an accommodating account of toleration. But, insofar as he puts so much weight on the individual, it is not clear how feasible that would be.

That is when he refers to religious secularism. However, the syncretic logic of both-and that underlies his cosmopolitan tolerance is also the basis of his account of national secularism: that is, the idea that states should not promote any particular nationality or collective claim in favour of a specific national belonging. My hypothesis, as I will show in Sections II and III, is that this position results from a very specific account of nations. I am not making a claim about whether the attributes that he ascribes to religions actually meet the reality of actual religions. If that were the case, then his proposal of focusing on the religious instead of on religion might be an adequate way of channelling both diversity and disagreement (although reaching that goal will definitively require a deeper analytical elaboration of his proposal). However, in the case of nations, the proposal only works if the comparison of nations and religions would apply. Whether that is the case or not depends on the understanding of nations we may defend. That is why, in what follows, I draft both the understanding of the nation defended and rejected by Beck before finally introducing my nuanced account on the basis of the literature on minority or stateless nations. This account, while it avoids a position regarding the controversial issue of institutionalising religions, does accept or even believe necessary some level of institutionalisation of the nation.

487 *Idem* p.87
488 *Idem* pp.96-97
489 Bejan (2011) p.417
490 Bejan (2015) p.6; Bejan (2016) p.24

Section II: Gellner's notion of national belonging, nations and nationalism as the descriptive ground of Beck's cosmopolitanism

In this section, I first analyse the functionalist understanding of nations and nationalism underlying Beck's cosmopolitan proposal: Ernest Gellner's functionalist view. Then I analyse whether Gellner's proposal actually fits in with Beck's understanding of the ongoing process of cosmopolitanization.

The functionalist understanding of nations and nationalism

The problem with Beck's account of cosmopolitan tolerance that underlies his original proposal of national secularization, is that it problematizes three basic elements of the national *status quo* as usually conceived in the social sciences: national belonging understood as a special bond toward certain - *up to a point* - concrete countries; nations as - *usually* - institutionally settled objects; and nationalism as the ideology that - *commonly* - aims to exert power within the territory where those institutions are rooted[491]. Instead, he advocates for (1) a permanently reviewed and multiplied understanding of belonging, (2) institutions that provide the conditions to ensure reflexive individualisation as a mean to make identity building and liberty compatible, and (3) cosmopolitanism as a deterritorialized understanding of power. It is not clear, as I have showed, whether Beck will endorse a post-nationalist account or whether his cosmopolitan understanding of the state does expect, in the long term, a dissolution of the nation in the same way as he naturally expects will happen with religions (not with religiosity). His notion of cosmopolitan tolerance, with its alleged accommodationist ambition, seems to advocate for the maintenance of national diversity. However, it is neither clear how would that operate without institutionalised nations nor whether he would mind if nations end up disappearing (leading to some other sort of diversity). The answer to that question is clearer if we acknowledge the understanding of the nation underlying his cosmopolitanism: the one he takes from Ernest Gellner[492].

Throughout his career, Gellner developed a theory of nationalism based on the relationship between language, thought, and action, an approach that he originally introduced in *Thought and Change* (1964). The first relevant concept in that approach is that of "Nationalism". In his ethnicist approach[493], 'nationalism' is a claim from a group of individuals calling for a state for their cultural development. Cultural affinity is the basic social link[494]; it is both sufficient and necessary for the social link. His view assumes the existence of politically organized systems, in general, and states in particular. The second key concept is that of a Weberian "State": a clearly identified agent or set of agents, strongly centralized and disciplined, for whom the use of force is legitimate. He takes this a step further to hold that this use of force is rather a monopoly

491 I highlight the italics as (1) there are exceptions, as I will mention in Section III and, more importantly, (2) those are precisely the issues that we need to critically and reflexively address to adapt basic institutions of modernity to the ongoing cosmopolitanization.
492 Beck (1995), p.111
493 Gellner (1983) p. 23.
494 Gellner (1996) p. 19

of power based on the monopoly of the "legitimate education"[495]. The third relevant concept is that of "Nation". Gellner denies[496] the deeply-rooted conception of inherent nationalities. He wants to claim that nations are a "political shadow"[497], a product of Modernity's imposition of higher cultures and resulting homogeneity.

Traditionally, two approaches were offered: the cultural one (same nation, same culture), and the willed one (belong to a nation, recognition of belonging). Gellner offers an alternative in which he describes culture's structure and in which nationalism is explained by sociological circumstances. This approach is known as functionalism, as it explains the rising of particular socio-political changes based on the function they played. Gellner focuses on structure or organization[498] understood as a system of roles or positions into which society is divided. His approach looks at culture understood as a set of signals and signs. He does not deny that the latter has an individual component although, in the final development of his theory, he adds that it is variable because it is subject to collective decision[499]. Gellner assumes that in modernity each of them is presented as a reflection of the other, but stresses that it has not always been so. He extrapolates this sociological division between structure and culture to the conceptual base already outlined: he believes that modernity translates structure and culture to the vocabulary of State and Nation (these are not universal[500] nor necessary[501], although neither are they contingent nor accidental: they are simply arbitrary decisions of an elite).

In the industrial era, it is education that generates the connection between culture and the will of belonging to a particular nation, and the consequent need for channelling it politically in such a way that the identification between culture and politics in the nation-state is the result of a social process and not something that is given. In his final analysis, Gellner suggests that nations are the result of nationalism, and not the other way round[502]. He does not deny that, through this process, individuals develop a sense of belonging, and a will to belong. The fact that nationalism generates a legitimate and sincere feeling of membership does not prevent it from being the result of a particular social development[503]. To support these assertions, Gellner looks at two cases: the agrarian society (pre-industrial) and the industrial society. In his functional explanation of the agrarian society, Gellner assumes that the attribution of the category of "cultural", as understood in modernity, is *post hoc*. In the agrarian society, culture and power do not go hand in hand. There is no horizontal homogenization of culture nor "cultural imperialism"[504]. Here he introduces a central element regarding the role of the State: there was no political expression of culture in pre-industrial societies (and, if there was, it was secondary and not in the same sense as in the industrial society). This proliferation and overlapping of cultures assumed that the opposition between the segments was an advantage, because it strengthen one's own rites and doctrines[505]. There was doctrinal (clerical), fiscal/military (noble), but not cultural, homogeneity.

495 Gellner (1983) p. 109
496 *Idem* p. 74
497 Gellner (1996), p. 126
498 *Idem* p.18
499 *Idem* p.17
500 *Idem* p.21
501 *Idem* p.30
502 Gellner (1983), p. 137
503 Gellner (1996), p. 33
504 Gellner (1982), p. 86
505 Gellner (1983), p. 25

Cultural specialization was a tool for the effective difference between states that arose with the arrival of the industrial era.

The first thing to note is that Gellner's approximation is not Marxist[506]. Gellner's theory departs from an analysis of the rationality principle (and the consequent Modernity) which it addressed. This generates a morally inert and unitary world where ideas regroup in culturally continuous and internally fluid communities (following the Humean account of causality, as Gellner observes). What, then, encouraged this new function of States that Gellner presented? The constant and increasing division of labour. The industrial society is one which is constantly growing. It generates the need for absolute mobility: constant growth comes with a constant movement that requires equality. Necessarily inherited roles disappear: men have to be equal to one another, to have access to any social function. We find the paradigm of this equality in language: all members of a nation must be able to understand each other. This obligation establishes The Cultures, which are visible and accessible. Definitively, this leads to the direct worship of The Culture (there are no intermediaries anymore[507]). Cultural plurality disappears as only alphabetized cultures persist (collective amnesia). Let us see how the already mentioned division of labour leads to this.

Gellner supports the idea of Collective Societies outlined by Renan, but he understands these only as Industrial Societies that generated nationalism[508]. Therefore the scheme of an industrial age would be: a State - a Culture. Behind this standardization there is a need to face what Émile Durkheim called Division of Labour. This division is based on the idea that specialization supposes a higher moral dignity and that, to achieve this, everyone needs to potentially have access to any spheres of society. For Durkheim, this is characteristic of Complex Societies where a community is generated. Gellner's approach is slightly different. Even when he assumes the existence of closed communities, he does not consider them to be the result of a division of labour, but of the need for industrialization. Equality of access is not the result of a moral conception, but of a social functional need[509]. Organic solidarity, inherent to the social organization, is not inherent to the division of labour. A State that organizes it is necessary (for Gellner, thinking otherwise would be naive[510]). He assumes the need for equality and points out that, even if inequality exists, it is not sharp, nor it is protected by an illusion of equality[511] (that in the agrarian society was neither given nor intended).

Specialization comes after the non-specialized and standardized. It is reached by means of a general, generic and standardized education that allows a determined way of reproduction[512]. Unlike in the agrarian society (where very few were educated and education was very specialized), in the industrial society, everyone is educated and this education is general. This means that the whole of society is turned into clergy, into what Gellner calls *eunuchs*. The higher, alphabetized culture expands to the whole of society and its distribution is taken to be a moral duty of the State. Gellner presents two motivations for this: economic and occupational, the need for economic growth and for the workforce that makes it effective. This asks for a pyramidal national literacy (the

506 Gellner (1986), p. 92
507 Gellner (1983), p. 28
508 *Idem* p.29.
509 *Idem* p.98
510*Idem* p.72
511 *Idem* p.98
512 *Idem* p.103

State assumes the role of the family or the micro-communities characteristic of pre-industrial societies), where the State dictates what education ought to be. Culture, in this scenario, stops being an adornment and becomes the basis for a certain social order (industrialized, modern, etc.). As stated above, this is the central idea from the Weberian scheme used by Gellner: monopoly of education. This is supported by Gellner throughout his theoretical development. Education does allow the desacralization of differences, but this is because of a need for mobility that is inherent to the industrial production system. Gellner adds a new category to his later work, typical of Marxism, which, although it will not be treated here, is cardinal: the domain[513]. To conclude Gellner's approximation to the emergence of nationalism, it is necessary to pay attention to the category that Gellner introduces to describe these societies: entropy.

One of Gellner's main elements is the tension[514] between the entropy generated by nationalism and entropy-resistant groups. In his exposition, culture does not lead to structural differences any more. His approach assumes the existence of a unique structure (the nation-state) created to dominate citizens with their consent[515]. He talks about societies that tend towards entropy, that is to say, towards internal randomness and a fluid totality. There are groups that resist entropy, and these are problematic for industrial societies. These groups will be those that, due to genetic aspects - such as race, a deeply-rooted cultural background, etc. - do not manage to adapt to the structure fixed by the State. In this respect, culture can be an anti-entropic feature, but in this case, it will be comparable to a physical feature. But why are nationalist movements not resistant to entropy? They are, but not as much as other groups, since they are the unique result of a communication problem (so there is a solution), whereas real resistance to entropy is not solvable. Nationality (in his example, the Ruritan) can be assimilated or it can triumph, whereas race (in his example, blueness) cannot be assimilated and can hardly succeed. In any case, those who because of being unable to establish their nation (especially, the lack of a definite territory), or because of being exposed to discrimination having been assimilated to an already established nation, these groups of individuals will be the open resistants to entropy. This is the major problem that, according to Gellner, generates the nationalism generated within industrial societies.

Gellner’s account in the light of Beck’s understanding of post-industrial or cosmopolitan socities

Gellner's proposal relies upon a particular vision of history in which mankind's progress is based on the accumulation of science and technology[516]. However, Gellner criticized Marxism for trying to explain society from its analysis of capital. Could we not criticize his functional explanation of superior, literate industry-culture in the same way? To answer this, we need to look first at his characterization of post-industrial society. The core of this new approach is the emergence of welfare state institutions and the individualization encouraged by society[517]. The level of security reached makes the individual abandon the broad categories of classes and the traditional models of family

513Gellner (1996), p.61
514Gellner (1979), p.106
515 Gellner (1983), p.146
516 *Idem* p.115
517 *Idem* p. 122

(social micro-environment). Traditionally attached to the bourgeoisie, it expands to the whole of the population. Accessing the job market frees us, leaving the collective experience of the job market (no longer collective) as anti-liberating. Individuals themselves are the ones that implement society[518]. This is a consequence of the institutionalisation and standardization set by the job market. However, this does not only depend on education, but also on consumption, regulations and social supplies, goods, traffic plans, etc. A control of individual situations is introduced, but it is not set by the State (or at least not only by the State). The two factors affecting this are, as in Gellner's theory, mobility and education.

Beck holds that true mobility takes place in post-war years, with the emergence and strengthening of the service sector. This mobility is the one which generates individualization not only from family or job spheres, but also from particular territories[519]. Instead of collective destiny, a personal destination arises as the central element of individualisation. In relation to education, Gellner sets the same temporal factor, the post-war period[520]. Education (and, in particular, the power to choose) has become a minimum for each individual to write their biography[521]. A language of self-realisation arises from the identification and again requires mobility (not from the division of labour). Thus, mobility and education generate a two-way relationship, in which each one requires the other, and neither is motivated by the division of labour generated by industrialisation (or first modernity), but by the individual's need for self-realisation.

How, then, are social links generated? On the one hand, institutions are trying to preserve already expired realities[522]. On the other, mobility is no longer between established groups, but between social risks (emotional pathologies, for instance). As a result of this new immediacy, social coalitions are diverse in origin and constantly changing. This is a quirky pluralisation[523], where the same individual can vote for a nationalistic party, be right-wing, work in a multinational company and belong to an international charity for animal rights. The trends, fixed by the mass media, mark individuals; not so much the State. The new relation arises after the liberation of the individual (from the scheme of class, nation, etc.), a loss of stability, and the return into the mass. We no longer speak, according to Beck, about cultural identities, but about biographical models. Although these are standardised, they are not controlled by political institutions anymore, and even less by the political institutions of the nation-state. The individual's existence is lonelier than ever but, in turn; more disturbed than ever (we are, in situ, here and in any other part of the world). A new element related to the identity of the individual arises: transformation (or even dissolution) of the public and private spheres of life, so clearly defined at the beginning of Modernity. The State persists in its attempts to establish Culture, but it is not effective any more. Institutionalisation grows, but within society, what proliferates is a series of self-built biographies. While States keep working at a local level, individuals are already at a global one[524].

518 *Idem* 125
519 *Idem* 132
520 *Idem* 133
521 *Idem* 134
522 *Idem* 162
523 *Idem* 163
524 *Idem* 223

However, and here we have the key point, this does not lead to the disappearance of national identities, but it eliminates their exclusivity. Individuals still support national identities, among many other local or global identities. The problem then, is whether with the paradigm change nations keep operating following the dynamics described by Gellner - and, therefore, whether it would sound reasonable to consider them disposable or even rejectable - or in the post-industrial society, are they merely transformed? As I have already mentioned, the characterization of Post-industrial Society as Global Risk Society provided by Beck is one of many in the literature. However, it still refers to key issues to consider the application of Gellner's work in the present day. This reasserts one of the critical points of Gellner's work: Gellner's excessive functionalism prevents him from fostering a theory that is not limited to historical facts and past social circumstances. Little wonder, we can assert that, although the debate remains open, the change of paradigm is indisputable. Therefore, with the paradigm change, some elements of the Gellnerian account of nationalism appear to be highly controversial: mobility, standardization and entropy.

The notion of mobility that Gellner attributes to the division of labour does not correspond with facts, at least in developed liberal democracies[525]. The class system that generated industrialization included a mirage of mobility (properly described by Gellner), but it did not generate the equality that he attributes to it, not even formally. Mobility generating equality came later, with the change of paradigm. After the barbarism of both World Wars, individuals become passive, productive subjects comparable to mechanical capital. The auto-accomplishment to which Beck refers is generated inside the welfare state but is not imposed by it. Individuals are ready to cede part of their freedom to be able to access the results of collective synergies that require the mobility of the individuals within the community, as between communities. Mobility changes the known/stranger paradigm, in such a way that the stranger is *socially there*[526]. The connection between the different spheres that compose society is what prevents homogeneity. The world is not any more composed by compact and homogeneous pieces[527].

The notion of cultural standardisation by means of education is the most lasting element among those presented by Gellner. The problem is that the societies in which education takes place nowadays have changed. Education is still an exit ramp to equality of opportunities and it keeps the demand high for training within particular cultures. But education is increasingly frequently being used as an instrument to channel diversity. The State preserves its aim for certain levels of homogeneity for mere instrumental reasons, but the overlapping of cultural spheres within the State has led it to assume a new role. Culture has ceased being a closed compartment dictated by the state, which sees now that imposed normality is not acceptable any longer. It is true, as said above, that affiliations to big groups (at least to the historically settled groups) ceased, but the

525 It is important to note, at this point, that the impact the paradigm change has is much more noticeable in countries with either long-standing democratic traditions or, at least, reasonably developed welfare-states. In that sense, I am aware that, in some countries moving towards those stages of industrial development, the dynamic described by Gellner still operates [see for instance, Bandyopadhyay, S. & Green, E. (2016)]. Still, although I will not focus on proving this, it is intuitive to believe that those processes will not mirror exactly the ones described by Gellner as the ongoing cosmopolitanization, regardless of the varied intensities, is happening everywhere. However, it is not an hypothesis I will contrast in this thesis.

526 Innerarity (2006), p.135

527 *Idem*.145

social character of individuals lasted. What Gellner attributes to industrialism and, therefore, to its resulting nationalism, has been diluted: *we* have been overcome by contingencies[528]. This has translated into politics as deep discrepancies between representatives about what constitutes the *true* nation. The constant review of history has led to the awareness that societies and their features are contingent. But does this mean the disappearance of group consciousness and the abandonment of the claim for Culture and Power as indicated by Gellner?

Gellner claims that the communion between culture and power instilled by nationalism generates homogeneous entropy. Gellner develops his vision of the nation-state from the idea that nations are intrinsically exclusive and that they support internal homogeneity, based on the imposition of a Culture. These are becoming what he metaphorically calls aquariums[529]. Gellner considers nationalism as a generator of hermetic societies where there is no place for unruled differences. That is why the main issue he focuses on is *the entropy-resistant groups conflict*. For the goals of the present work, we will assume that it is possible that the initial momentum of industrialization and his nationalistic principle encouraged education implementation within the so-called higher cultures - we will not discuss the extent to which we can attribute this to industrialization exclusively. Even assuming that, we would still need to explain why, after the paradigm change, his approach became insufficient, if not invalid. In his later works, he explains this. The moral scene that makes nationalism's maximal expression possible is generated in what Gellner calls "the third morality stage". This is a shift from reason and universality (the Kantian approach) to feeling and cultural specificity (the romantic approach, such as Schiller's). The problem is that feelings are linked to communities that turn and reflect upon themselves under the nation-state's protection. This generates *exclusive clubs*[530]. Ultimately, it generates the same cultural exclusivism of Gellner's nation-state theory.

Now, if one heeds the current political scene, without reckoning the different levels of nationalism in each region, we observe that, with a few exceptions, homogeneous countries or communities do not exist. What does this mean? Gellner's claim about the nationalism generated by industrialisation is either wrong or no longer applies. The identification between culture and power has weakened. Nevertheless, the semantics of a world divided into nation-states is persistent. In this sense, the nationalist claim supports elements already present in Gellner's analysis: territoriality, national sovereignty, linguistic normalisation, etc. Nevertheless, the actor moving these categories is radically different: ethno-cultural homogeneity within the same community is impossible[531], history has assumed its contingency and artificiality[532] (as opposed to the component of revival that Gellner attributes to the nationalism) and, ultimately, individual roots have been dispersed. We have become interested in flows rather than in limitations. Education no longer puts forward a *we* in opposition to the rest of the world, but a positive integrative *us* inside a polycontextual society[533], *both* national *and* transnational. Likewise, levels of territoriality have increased (the appearance of political international organisms), although the emotional component has been kept. In this sense, we have not abandoned individually expressed collective sources of identity - even less so after the process of self-reflective individualization mentioned before,

528 Innerarity (2006), p. 137
529 Gellner (1983), p.130
530 Gellner (1996), p.124
531Innerarity (2002), p.107
532 *Idem* 108
533 Innerarity (2006), p.131

they have become open, democratised[534]. However, the collective consciousness - both emotional and rational, as opposed to the erroneous distinction of subjective/objective provided by Gellner - has overcome limitations on several matters, enriching identities by means of *opening*, ceding political spaces without giving up on their basic claims.

Then, if Beck himself provides some key clues to the way nations are transforming, why does he still believe - or why is he so ambiguous about believing – that national belonging is a pre-cosmopolitan feeling? Why does he speak about nations as objects that cosmopolitanism will (or even aims to) overcome? And, more importantly, why does he portray nationalism as a necessarily perverse ideology? I have already mentioned some hermeneutical elements that may justify that standpoint (elements, that actually, are shared by many allegedly post-nationalist authors such as Habermas, Fernando Savater or Tzvetan Todorov: they all share a traumatic experience of nationalism). However, if we keep the analytical focus (i.e., the grounds of the categorical approach to the idea of nation), it might be the case that Beck's reaction is the result of likening national belonging, nations and nationalism with the specific account provided by Anthony D. Smith[535]. Nevertheless, the debate between both authors (i.e., Gellner and Smith) regarding the origin and role of nations and nationalism has a long tradition. A debate that, in fact, included many other authors[536]. However, I have found that those debates are not the key issues when addressing Beck's work. In a way, it could be said that going back to the origins of nations and nationalism in order to value and review current cases of nation and nationalism in light of Beck's cosmopolitan proposal could potentially bias the analysis precisely in terms of methodological nationalism. In my approach, it is not terribly important whether it was Gellner who was right or whether, as claimed by Smith, his approach "betrays a serious misunderstanding of the nature of nationalism"[537]. Despite possibly sharing Smith's critique that those post-nationalist views are "essentially conditioned by the classical experiences of nationalism in the nineteenth century and the early part of the twentieth"[538], I do not necessarily endorse the alternative account he provides. Instead, I am merely trying to prove that contemporary expressions of national belonging, nations and nationalism do not match Beck's description, particularly in the case of stateless nationalism. That is what I address in Section III.

534 Innerarity (2002), p. 113
535 Beck, U. (1997) p.43
536 Including authors such as Karl W. Deutsch, Eric J. Hobsbawm, Michael Billig, Benedict Anderson, John Hutchinson, John Breuilly, Joya Chatterji or Rana Mitter
537 Smith (1995) p.13
538 *Idem* p.27

Section III: The irreflexive understanding of nations and nationalism

In this third section, I check whether Beck's understanding of nations and nationalism corresponds with both the present reality of nations and nationalism. I argue, on the basis of the literature on minority nations, that it does not. I conclude by holding that an adequate understanding of nations and nationalism is necessary to duly fulfill the principle of cosmopolitan tolerance underlying Beck's postnational account.

Overcoming the problematic ground of Ulrich Beck's post-nationalism

I have already stated that I agree with Beck's claim to assume that the ongoing cosmopolitanization undermines "the historical territoriality of industrial production and, thereby also the forms of culture associated with 'patriotic-national' modes of production and economics"[539]. In this sense, I do not find it problematic to endorse a *soft cosmopolitan* understanding of identity, although Beck does not provide a systematic proposal of its content. I also agree that this has an impact on individual ways of belonging: "People who have succeeded with great difficulty in orienting themselves in the labyrinths of a closed society based on sharp oppositions between us and them, inside and outside, national and international, are now suddenly faced with the contradictions of a tolerant form of society and a liberty they can neither comprehend nor live, which reduces them to strangers in their own land"[540]. In that sense, I agree with the broad goal of implementing a syncretic approach to diversity: the approach that accepts that, in the case of national belonging, we have to recognise *both* its national *and* transnational dimensions. However, I challenge the assumption that positively claiming the national dimension of belonging is necessarily linked with fanatic or intolerant trends[541] or egoism that we need to overcome as a historical exception[542]. On the contrary, I think it is necessary to duly apply the syncretic understanding of diversity: otherwise we may indirectly assume a *patronising cosmopolitanism* that will lead to exclusive universalization. In sum, I reject the cosmopolitan view in which "nationalism appears more as an aberration than as the fate of political modernity"[543].

Despite Gellner's account being assumed by Beck (and other cosmopolitans who claim post-nationalism), those social and political facts that we conceive as nations have quite distinct features nowadays than those addressed by the latter. The studies about Corsican, Basque, Catalan, Scottish, Flemish, Irish, Welsh, Bolzano/Bozen, Quebecer or Crimean national self-determination claims and practices show how diverse those objects of reality that we refer to as nations could be[544]. Broadly, regarding Gellner's

539 Beck, U. (2004a) p.107
540 *Idem* p.109
541 *Idem* p.110
542 *Idem* p.112
543 Fine (2003) p.7
544 The literature is vast, but some relevant examples are: for the Scottish case, see Breuilly (1993) pp.319-340, Brown (1998) & McEwan (2014); for the Catalan case, see Requejo (2010), Guibernau (2004; 2015), Sanjaume (2016); for the Basque case, see Sabanadze (2010), Mees (2004), Muro (2008), Murua (2010, 2015), Iglesias (2011); for the Quebecer case, see Gagnon & Iacovino (2006), Bickerton & Gagnon (ed. 2014); for the case of post-soviet minority nationalism, see Caspersen, N. (2010); for the

attributes, minority nation studies clearly show[545] that they are neither homogeneous, hegemonic nor state sovereignists and that they actually are pretty contingent.

1. First, nations are not homogeneous per se, but it largely depends on the ideology of the governing party. Actually, the level of homogeneity itself appears to be much more complex issue than the one portrayed by Gellner: it not only refers to the similarity between individuals belonging to the same society in a much more porous and heterogeneous way, but also to the internal institutional arrangement. This is to say, to the levels of symmetry-asymmetry among institutions that share the same legal framework[546].
2. Second, nationalism is neither hegemony seeking per se. Actually, recent cases of minority-nations reveal[547] that the stronger the hegemonic aims that a minority nation nationalist movement might show in a liberal democracy, the less successful nationalism is with its self-determination claims (at least in terms of popular support). Nonetheless, national minorities have to make their self-determination claim compatible with the encompassing nation-state's self-determination claim[548]. Hegemonic trends on any of the sides lead to tensions that, in turn, can lead to the questioning of any of the nations in conflict.
3. Third, nationalism is not necessarily state sovereignism: as will be argued in the next chapter, there are plenty of examples of nationalist claims that do not aspire to possess an independent state but just the necessary autonomy to grant certain features[549]. Moreover, the fact that political borders do not always meet institutional divisions led to the existence of fragmented nations. This happens in the case of the nation-states, with pan-national movements that might be problematic[550]. But it also happens on a more normal basis in the case of the minority nations, as their borders have not been delimited according to their national claims but to the encompassing state's own motivations (which could take the minority nation's claims into account or not[551]).
4. Finally, nations are contingent, as both their cultural structure - in a slower path -- and cultural character -- in a faster path -- vary without leading to the disappearance of those nations[552]. Nevertheless, the explanatory features of a nation that claims its existence vary on very diverse axes: temporally, territorially and historically[553]. Given the fact that, despite all those variations,

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Welsh case, see Rawlings, R. (2003), for a general overview of Belgium, Italy, United Kingdom and Spain see Requejo & Nagel (2009).

545 Keating (2010), Gagnon (2014), Guibernau (2017)

546 Fossas & Requejo (1999)

547 The transversality of the supporters of the second Quebec independence referendum, the Catalan pro-referendum movement or even the post-ETA Basque Nationalist claims show, in empirical terms, what Wayne Norman described theoretically in 2006.

548 Seymour (2011), Guibernau (2015)

549 Nimni (2010)

550 The most recent cases are the conflicts between Russia and the states from the former Soviet Union, such as the conflict with Georgia on South-Ossetia (2008) or the conflict with Ukraine on Crimea (2014).

551 Some expressions of Basque and Catalan nationalism considered during the elaboration of the Spanish Estado de las Autonomías that Navarra - in the former case - and the Balearic Islands or Valencia - in the latter - should constitute a single political community with the Basque Autonomous Community and the Catalan Autonomous Community respectively. Those claims, however, have evolved during the last forty years, leading to an overwhelmingly majoritarian consensus that each of those communities should be the one deciding whether or not will to join the respective communities.

552 The case of Quebec's quiet-revolution (1960-1966) and the subsequent variations of Quebec's status within the Canadian Federation prove both aspects [Rocher (2002), Abulof (2016) pp.13-14]

553 Daniel (2014)

> there is a certain continuity among those who claim the nation's self--determination, we may say that features of the nation are contingent as they depend on the features raised by those who claim its self-determination.

It is true, as post-nationalism theories highlight, that there are both past and present cases that show those features to which Gellner refers and Beck urges us to overcome. That is to say, it is true that those objects of reality to which we refer as nations can have any of those features. But as we have seen and national minority theories show, beyond the natural tensions of any political interactions, the features pictured by Gellner are merely potential. Does it mean that nations are not definable? We can go for ontological or even empirical accounts of their existence, but that is a dead-end debate[554]. We can assert that nations do not exist because someone claims their ontological existence or because there are previously delimited objective features that we may link to the idea of nation. Nations exist because there are individuals who make claims on their behalf that we gather in claims for self-determination. In this sense, Gellner's controversial statement that nationalists precede nations is right, despite neither those nations or nationalists[555] being as he described. In contrast to Gellner's monolithic picture and even the ethnic/civic monistic dichotomy, nations appear as a much more complex object of reality. But is this how the issue is actually addressed?

In the social sciences, we operate with categories that apply to the surrounding reality. Without immersing ourselves in deep philosophical debates about what we mean by addressing reality, we may claim uncontroversially that the categories we use when making normative, analytic or political reflections somehow refer to real objects or objects of the real word. Moreover, even if we are referring to ideal theory, those objects of study should be somehow identifiable. If I claim that *grosfurs* have a definitive impact on human behaviour, or that *grosfurs* interact with each other in a certain way or that *grofsurs* are morally relevant, it should be somehow clear what I mean by *grosfurs*. Even in order to assert that a particular object of reality is not a *grosfur*, this should somehow be clear. Furthermore, to make a relevant claim about the denial of the existence of *grosfurs* at all, we need to have some kind of comprehensive understanding of *grosfurs*.

The object of reality that has focused the attention of the social sciences for the last couple of centuries are not *grosfurs*, a word that I have invented for the sake of argument, but nations. However, despite it being such a recurrent concept (whether for their refusal and their praise or their denial), the real object to which they refer has not been clearly defined. We will come back to this reflection later in Chapter 3, but there is a previous reflection that I would like to raise: even if the referent of the concept "nation" is totally controversial (i.e., there is no consensus on its meaning, implications, features, value, etc.), there are certain objects of reality to which we refer as nations uncontroversially. In other words, most - if not every - political theorist would assert that the United Kingdom, Portugal, Argentina or Japan are objects of reality which we

554 Actually, despite the fact that debates on nations and nationalism have long ago moved beyond the ethnic understanding of the nation [Seymour (1999)], cosmopolitanism in general and Beck in particular keep dealing with nations as if they were necessarily the ontological materialisation of ethnicity.

555 Actually, as I will explain further in Chapters 4 and 5, I argue that certain level of cosmopolitan nationalism (understood as advocating for claims channeled through territorially settled institutions) is necessary for the adequate functioning of democratic institutions, even among those who oppose nationalism.

may refer to as nations. This will be so regardless of the implication this label may have in their rendering.

Moreover, most of the - if not every - social scientists assume that the existence of those objects of reality that we call nations has some kind of relevance. I do not mean that most of the social scientists consider them relevant in any particular sense. On the contrary, the way they represent the relevance of the objects of reality to which we refer as nations is completely heterogeneous: some social scientists address them morally (moral philosophy), others empirically (ethnography, anthropology, sociology), others institutionally (political philosophy, political science, legal science) or even economically. These approaches interact with each other and the role they assign to nations also varies: from core objects of reality studied by the social sciences to mere self-delusions that we have to overcome. However, while carrying out these diverse approaches and assessments, most - if not all - of the social scientists assume their existence more or less explicitly.

This assumption, however, does not earn those social scientists (most, if not all, of them) the brand of nationalists. That is to say, accepting the existence of the United Kingdom as an object of reality that we take into account in our research does not make us believe that nations are relevant in a certain way or consider that they should last forever. It does not have any a priori normative implication. It is true that when political theorists refer to nations they most often do so within a propositive context where normative implications arise[556] - exactly as normative implications arise from Beck's descriptive cosmopolitanism. However those are complementary to the action of referring to the object of reality that we refer to as nations, just as Beck's underlying normative claims are complementary to the object of reality that he refers to as ongoing cosmopolitanization. As we will address later on, the nationalist claim(s) regarding those objects of reality that we refer to as nations is something different from merely referring to them as objects of reality. The problem is that, apparently, accepting the existence of a particular object of reality that we refer to as nation has implied, for a long while, recognising certain features or properties to those objects of reality that we refer to as nations. That is to say, it has implied conceiving this object of reality to which we refer to as nations as "nation-states".

This assumption has not been judgmentally neutral. Nevertheless, the way nations-states have been portrayed as objects of reality is the way they were conceived after the peace of Westphalia: capable of certain specific functions (mainly democracy, basic civil rights and security[557]) and specific features (sovereign and territorially defined[558]). However, just as the merely descriptive category of United Kingdom as an object of reality that we may call nation is value neutral, the category of nation-state already has some values that could be contested. Moreover, since the very beginning of when the category nation-state started to be used, it has been more or less contested by Cosmopolitan accounts. This does not mean that nation-states have not or even do not

556 As I have explained in Chapter 2, the distinction between normative and descriptive, although potentially valid or even necessary in analytic terms, is hardly ever possible in the social sciences.

557 Even advocates of post-nationalism such as Habermas assume these functions uncritically [Habermas (2012) p.338] when claiming that transnationalism will not divest nation-states from them. Other authors, in turn, believe that it has never been that clear whether nation-states were actually granting those functions due to some intrinsic feature of the nation-state or out of pure historical contingency [Innerarity (2014)]

558 For a historical review of the conceptual debates on nationalism, see Larin (2010)

exist, but that those features that we take for granted are problematic. The United Kingdom has existed as a nation-state with some attributes, but it could cease having those attributes or even existing, which will not imply the nation (or union of nations, in this case) will cease its existence[559].

The problem arises when the identification of the object of reality that we refer to as nations is identified with the non-neutral category of nation-states, with all the implied assumptions. Subsequently, those opposing the nation-state's imaginary, to the Westphalian division of reality, end up rejecting the category of nation itself, resulting in the denial of the objects of reality to which the category refers. That is what we may call the nation-state veil, which has been largely assumed in the literature, both among those who hold an statalist view and among those who call for a more cosmopolitan account. But, then, what exactly do we mean with features claimed by individuals through the demand of national self-determination? And, more importantly, how are we supposed to deal with them?

The lesson from national minorities to overcome the state sovereignty veil

The principle of self-determination that underlies the recognition of nations *qua* nations acquires a new dimension when addressed from the perspective of minority nations. Nevertheless, this approach allows us to separate the principle of self-determination from the principle of state sovereignty. From this point of view, there are, principally, three different understandings of self-determination: the statist conception, the democratic conception and the nationalist conception. The first one, the state conception, "equates self-determination with the familiar idea of state-autonomy"[560]. This understanding of the principle imposes a "negative duty on states to refrain from interference in one another's affairs"[561], and it could be equated with the traditional principle of sovereignty. That is, with the idea that each nation has a sort of a priori right to have a state. The second one, the democratic conception, also refers to the people's will. Thus, it involves both a negative and a positive condition. Negatively, it requires non-intervention. But, positively, it requires "the presence of institutional structures through which the people can engage in a meaningful way in the shaping and determining of their own affairs"[562]. Finally, the third account, the nationalist view, assumes that there is a variety of socio-cultural groups that can be thought of as nations (those objects of reality to which we refer to as nations). As Alan Patten argues, "states may be pivotal in creating and maintaining nations and peoples, but, as a conceptual matter, such groups are not equivalent to the populations of states. A particular state may be home to more than one national group, and a particular national group may be spread across more than one state"[563].

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559 With the United Kingdom's (UK's) referendum of June 23, 2016, to withdraw the European Union, this debate is acquiring particular vigour, as the possibility of Scotland withdrawing from the UK in order to stay within the European Union seems more plausible than ever. However, this will not necessarily imply that the United Kingdom will cease to exist, mainly as Scottish nationalists do not renounce maintaining several formal bonds with the UK (the Crown, as the clearest example) and, mainly, as the informal bonds between both territories will necessarily persist.
560 Patten (2016) p.1
561 *Idem* p.1
562 *Idem* p.2
563 *Idem* p.3

The problem of this third account is that, when defended, it tends to enter into pretty contested issues about the nation's 'self' or the attributes that the 'self' requires to be considered as such. In my account, following Beck's cosmopolitanism, trying to find a universal theory of nations and nationalism is futile. The understanding of self-determination as the claim to align sovereignty, nation and territoriality as an a priori, is not working anymore. The idea that nations are social constructions, alternatively, is a slippery argument. Nations cannot be grounded on a voluntariness conception - asserting that whoever claims it could become a nation - nor on a too narrow conception - because then, unless we presuppose that current nation-state existence is an absolute matter, they will not have a right to exist either. In my view, national self-determination is not a right, but an actual, latent or unrealized demand. This demand is both ontological (we exist) and normative (we have the right to exist), and in both cases we can empirically address it. The ontology, then, it is not something we can separate from the claims but, precisely, its result. The answers about its specific features will surely be diverse and contested, but at least the object of analysis will be reasonably delimited: a social fact that channels some claims through some democratically approvable institution[564] and can potentially aim to become or perpetuate a political fact. And we have the duty to address it.

This account presupposes a certain conception of language, ideas and facts that can be traced back to the Second Wittgenstein, Austin, Searle or Rorty's pragmatism[565]. Regardless of the plurality of nuances, the approach holds that the forms of life in which we frame linguistic practice are the ones that give us the meaning both of the words and of the world. We have to deliberate in order to reach agreements on certain meanings and rules that make the interaction possible, and we do so in our everyday life. However, if we take this a step further, we can even assert that certain meanings, despite not being referential, are certain up to a level that might seem univocal. As Wittgenstein claims in his later works following the Moorean example, I don't know whether the statement "I have two hands" is merely valid or true, but I need to assume its truthfulness in such a strong way that however we may qualify it, it is surely close to something that it would sound plausible to call a fact.

Nations are a claim, a social fact, that is constituted as a political fact in very diverse ways. We can - and actually should - ascertain what has led to the existence of a particular nation and how it was constituted as a political fact (nationalism). But those contested explanations do not contest the fact of nations as social facts that can potentially become political facts. If that is the case, the social fact of nations will become political facts. Nevertheless, it will not only have its own member's recognition, but a mutually recognised status. As we learn from studies of national minorities, nationalist claims for self-determination will be strongly lowered if the status as a nation is recognised by the encompassing state (Scotland's long-lasting status as a nation within the UK is the clearest example, but it is not unique). However, this status needs to be materialised somehow, which requires implementing some constitutive rules that institutionalise it. The implementation of these rules could be fragmented,

564 This approach takes us back to the debate on the basic principles of democracy, as intended by Richard Young, explained in Chapter 2.

565 I do not develop here the debate within the philosophy of language on these issues, although I do address it both in Chapter 4 when introducing the understanding of peoples presented by Cheneval (2011); Cheneval & Nicolaïdis (2016) and in Chapter 5 when sketching the idea of *demoicracy*. I argue that even if this approach may have some flaws from the perspective of philosophy of language debates, it provides a reasonable way of understanding such a phenomena as nations.

following the new de-territorialized understandings of boundaries or the conceptions of non-territorial autonomy. Nevertheless, rules institutionalise sovereignty, not in a territorially settled foundational manner, but in a much more shared, multilayer way (as I explore in Chapters 5 and 6). Finally, the demand of a group of individuals about their nation's right to exist needs to be intentional. Minority nations show that intentionality is not something we could take for granted, as power relations and collective adaptive preferences operate in a quite pervasive manner. Still, regardless of the mechanisms that channel and constrain our intentionality, once nations are constituted as political facts, some intentionality has definitively taken place. Then, once the self has been clarified, let us consider why addressing self-determination is morally relevant.

Individuals have very diverse features. Those features can be biological, social, ideological, cultural, political or a mixture of the previous. Besides, those elements interact with each other: a biological feature can be on the basis of a political feature. But, as we have seen in Beck (and others), those connections are contingent. Nevertheless, two people with the same biological features, for instance, may have completely different political features. We cannot assume, as the social sciences in early modernity did, that there is a natural or essential connection between an individual and the features of her identity. Contingency is on the individuality presumed by cosmopolitanism. However, despite their contingency, those features condition our interactions with other individuals in very different contexts and should, therefore, be normatively addressed. Moreover, there are some individual features that come from the interaction itself. Those individual features can come from very diverse collectives and, despite having the potential of essentializing individuals and restricting their contexts of choice (as some critics say), having that occur will depend on the way we may understand the collectives created by those features and the attributes we may assign to them.

Regardless of their origin and the function that it may have had throughout history and geography, nations are one of those collectives from which individual features come today. As we have seen, the fact that the origins and functions of each nation, even their actual limits and features, are contested does not mean that they do not exist. Controversy refers to the explanation of the current political fact of a nation, not to the factual existence of the nation itself. Individuals who believe that some features that stem from their national belonging are relevant and, thus, demand their nation's self-determination, will not be capable of maintaining those individual features that they claim as if their internal self-determination is not duly recognised. Internal self-determination for national collectives is the mean to grant some individual features that those same individuals claim to be attached to a nation. So, then, self-determination has a clearly instrumental dimension. It is a mean to an end that some individual(s) claim(s): granting the individuals the existence or continuity of some of their features that are collectively experienced. But, is there any reason to preserve those features? That is to say: is it a mere matter of accepting an individual claim qua claim or does it somehow depend on the content or nature of the claim? Should cosmopolitanism, instead, try to change those patterns of individual behaviour that favours national-belonging for political reasons? I will address that last debate in Chapters 4 and 5, but before doing so, we may keep analysing whether there is a primary reason for that.

It is not that states are morally relevant, neither are nations, but that they are claimed by the individuals for something that they do consider relevant. In some cases so relevant

that addressing the claim becomes a moral issue. Nevertheless, some of those individual features that come from the collective are part of the individual's self-respect. If we follow the Rawlsian account of justice, self-respect is a primary good, one of the most relevant. Primary goods have to be granted as a duty of justice, as they are the ones that make individuals lives worthy to be lived. In order to address an individual feature that comes from a collective and constitutes his or her self-respect, we may proceed through democratic means[566]. The problem, now, is that not all the individual features that come from his or her belonging to a collective and are inherent to his/her self-respect are compatible with cosmopolitan principles of justice. In other words: not all the individual features coming from a collective are worthy of moral recognition. In Dworkin's account, referring to prioritarian duties of equality, if liking caviar is one of your features, then you have the responsibility of paying the extra cost to enjoy that feature. Then, if living in luxury castles is an individual feature arising from a collective, we will still not have the duty of recognising it as a valid justification of or within self-determination, regardless of individuals considering it part of their self-respect.

In contrast, we have the linguistic case: if speaking a certain language (e.g., Basque) is one of an individual's features that comes from the collective, would the individual have the responsibility to pay the extra cost to enjoy that feature? One may believe that his/her own language is a part of his/her self-respect features. This may have very diverse explanations, some reasonable and some not (most, but not all, are reasonable). There are people who value their language due to very different reasons. Some value their language due to the connection this gives them to their ancestors, immediate or long past. Others value their language due to some sort of intrinsic value. Others value their language for purely instrumental reasons. The fact is that the sum of those individuals valuing their language generates a linguistic community: a group of individuals that claims some sort of autonomy to preserve that particular feature of their identity that they consider relevant for their self-respect.

To conclude, then, if an individual feature X that comes from the collective and is part of his/her self-respect is compatible with basic principles of justice, then we have the moral duty to address it. The way of addressing an individual feature that comes from the collective, at least in the present status-quo, is by addressing the demands of collective self-determination. Nations are common sources of individual features. Therefore, we have the moral duty of addressing demands for self-determination so that individual features that come from a collective which are worthy of self-respect could be granted. This does not mean, however, granting a State to individuals who demand their nation's self-determination. There might be cases in which that is required for diverse reasons, including granting the individual features that come from a collective which are worthy of self-respect and are compatible with basic principles of justice. But it is not a duty intrinsic to the normative claim just explained[567].

If we agree on the previous assumption, then Beck's Cosmopolitan Secularism should be reviewed as follows: Political facts that encompass diverse nations have to address the individual's national self-determination demands raised collectively with regard to the encompassed nations. The accommodationist view of tolerance underlying Beck's national secularism goes against this moral duty, as then the state of nature or the cultural invisible hand will end up imposing one group's internal self-determination

566 I will expand on this in Chapter 4 Section 3

567 I will come back to this debate about the justified cases for external self-determination in Chapters 4 and V, particularly when reviewing the idea of sovereignty in Chapter 5.

over others: demands for national self-determination cannot be left to the private domain, as then individuals will not have the necessary tools to ensure their self-respect. If we have concluded that this would be morally wrong, then we need to provide institutional answers to overcome the situation. According to Beck, the institutional answer is individualised. The problem of this view is that while in a future scenario where the political facts of nations are not territorially attached - and, therefore, subjected to majority-minority dynamics - it might be unnecessary, when in the present day it is not. Therefore, I argue that if there is a group of citizens that claims this national self-determination, the state has the duty to address their demands. This might lead to some subsequent recognition of external self-determination as a condition to grant internal self-determination in specific fields. However, the specific features that will be granted as part of external self-determination will need to be negotiated. The same happens with transnational institutions: they cannot assume a post-nationalist view (although they should assume a cosmopolitan realm) as otherwise the nations that they may encompass will allegedly exercise their external self-determination. Transnational institutions should not apply a legal and political framework which is neutral or merely individualised with regard to nationalities, but one which recognised them at their appropriate dimension. That is, one that duly channels claims for self-determination.

In any case, the relevant pending question is what we may consider valid features of those claims. Nevertheless, despite what many may consider rejectable features of their claim as a nation, no one will deny the existence of North Korea as a nation (unless there is a clash of nationalisms, of course, but even that case will show an external observer that there are two overlaping objects of reality that we may call nations). Furthermore, in non-democratic states, the claim itself is undermined by the fact that it has not been raised by free individuals. But even in those cases, unless there is an underhanded clash of nationalisms with internal minorities, individuals will not necessarily reject the idea of the nation itself but its particular political or institutional features. There are historical examples on both sides: the rejection of the idea of the Spanish nation after Franco's fascist dictatorship or the renaissance of Hungarian nationalism after the fall of the communist regime, but yet again, that is not the point as it is still purely contingent. In any case, we may deny Saudi Arabian sexist policies, Spanish bull-fighting or Israel's settlements, but nonetheless address each of these nations- claims for self-determination. Not as nations, but as claims that a group of individuals made collectively: whether or not the claims are valid (an issue I address in Chapter 4 and 5) will determine in each case whether the principle should be channelled or not. But the universal duty of addressing the claims will prevail: we may *both* address the claims (therefore recognising the political fact) *and* still reject or even block their content. Once again, minority nations, with a softer institutional apparatus -meaning softer capacity to foster certain cultural characters into their citizens - show a clear example of how contingent the features attached to a claim might be, the Quebecois quiet revolution being a paradigmatic, but in no case unique, example: it shows how a collective of individuals who claim their nations self-determination can change the grounds of the nation they claim without any revolution, generational change or radical transformation process.

Does the Basque nation,or the Scottish nation or the Catalan nation exist in a lesser extent if their minimum threshold of Fundamental Rights protection is decided by the encompassing state's democratic institutions in which they participate as a member? As we have seen, it might be the case that the majority of Catalan citizens believes that

banning Moroccan people their right to vote is a feature of their nation that has self-respect implications. Regardless what those legitimate courts in charge of preserving fundamental rights may believe, following their understanding of basic principles of justice, this violates fundamental rights. Subsequently, they will forbid the Catalan government from applying such a rule, regardless of the Catalan citizens' demands (I explore a similar case in Chapter 6, where I address the legal implications of the self-determination argument). Then, given that fundamental rights require an interpretation, we should ask whether the process in which the rights that were at stake were interpreted did take into consideration the Catalans' socio-cultural features (among other legitimation requirements that have little to do with self-determination and which I do not address here). That is to say, the court should ensure that it has the procedures required to address the features that Catalans refer to when claiming their nation's self-determination. If that is the case, the court could decide by making a decision based on basic principles of justice that might go against some of those features. Insofar as they have been duly addressed, there will not be any justification for Catalans to claim secession based on these grounds. On the other hand, if the Catalans would have had a higher standard or a distinct understanding that fell within the state's scope of deference mechanisms, then it could be the case that the Catalans could claim external self-determination on justified grounds, at least from this view. In no case is the nation's existence being questioned, but some of the features they include in their demands for self-determination.

In this thesis I will not address each of the cases in which we may consider justified the issues underlying a self-determination claim, either internal or external. That would imply further analysis. Instead, I will argue that a cosmopolitan account, if it truly wants to advocate for an syncretic approach to national diversity based on the *both*/*and* logic, should truly recognise nations. In my view and given the current status quo, this depends on recognising the moral duty to address national claims for self-determination. I agree with Beck that embracing a cosmopolitan proposal implies also accepting the second part of the equation (i.e., *both* recognising/accommodating national diversity *and* meeting our cosmopolitan duties). However, I disagree that institutionalising individualisation would actually ensure that goal. Precisely because, as I will show in Chapter 4, the institutional framework fostering that goal needs to be somehow defined. While the idea of global communities of risk refers to a cosmopolitan feature of reality that political theorists with a cosmopolitan intent should endorse, it fails to provide a complete answer. As I will show, he does provide valuable tools to rethink the demos, as a fundamental principle of democracy, without uncritically assuming the absolute identification of nation-society-territory. However, he does not provide an answer to how we may actually institutionally channel those communities or to why they are necessarily incompatible with national communities. Little wonder, beyond having morally relevant reasons to institutionally settle nations, I will argue that we also have political reasons. Ultimately, while we find other adequate means to define the demos while granting national diversity, it seems more plausible to keep pursuing ways of cosmopolitanising nations. That is what I aim to draw on in Chapter 4.

4. COMMUNITY OF RISK

Having shown that nations and nationalism are not essentially anti-cosmopolitan forces, I will now proceed to analyse the way of constituting and internally organising political communities in Beck's cosmopolitan proposal. Nevertheless, although it is not clear whether he plainly rejects the idea of nations, it sounds as if, either as an empirical projection or as a normative desideratum, he believes that nationality will not be a principle ordering societies in a cosmopolitanized world. Instead, his cosmopolitan proposal advocates for the fostering of (global) communities of risk. As I show, the meaning of this proposal is far from being univocal. However, what is clear is that his reflections are framed within the debates of the so called boundary problem debate. Nevertheless, if the nationality principles does not apply anymore, in his account, as a way to connect societies (sums of individuals), territories and institutions, we then need a criteria to define and delimit legitimate institutions.

This debates are mainly constituted by two broad strands: the scope of socioeconomic justice and and the boundaries of democratic decision-making bodies. On the latter, the main concern is to ensure that the members of the demos have an "equal say at a crucial stage of the decision making"[568]. This leads to two main debates: what does 'equal say' mean and to whom does the 'demos' belong. That is what I will address in this Chapter from Ulrich Beck's perspective. As I will show, this has two dimensions in Beck's cosmopolitan proposal: the idea that nationalism is not an adequate way of delimiting the demos and the alternative account of a community of risk. In my case, I will address this element of Beck's cosmopolitanism through two different scopes: (1) Beck's critique of multiculturalism as a the theory that aims to grant diversity while accepting nationalism as a valid criteria to define the demos and (2) Beck's alternative of defining the demos as the cosmopolitan community that rises from the unavoidability of sharing the impact of global risks.

Having said this, I will not go through all the issues implied in the discussions about the so called "boundary problem in democratic theory"[569], that is, how we decide who is in and who is out of the demos. Or, in less abstract terms, as Robert Dahl puts it "What persons have a rightful claim to be included in the demos? (...) What then properly constitutes a demos?"[570]. This debate mainly refers to the discussion between those who believe that the demos is defined through democratic procedures or through democratic principles. On the procedural view, the main goal is to overcome the logical paradox of a demos that defines itself through a democratic decision-making process arranged by that same demos. In a way, this view resembles - although on a completely different tradition - the constitutional paradox identified by Derrida regarding the first words of the United States' Declaration of Independence: 'we the people...'. In Derrida's view, even if the declaration speaks in the name of the people, "these people do not exist. They do not exist as an entity, it does *not* exist, *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of signature. The signature invents the signer"[571]. Be that as it may, the

[568] Christiano (2006) p.83
[569] Whelan (1983)
[570] Dahl (1989) p.119
[571] Derrida (1986) p.10

authors who aim to overcome this paradox of the democratically self-defining demos provide answers that include: the idea of an egalitarian deliberation that will end up defining who belongs to the demos[572] or more discursive approaches that address the issue from the idea of democratic iterations as permanently defining the demos[573]. The problem of this approaches resides in the arbitrariness of the original demos, which does not necessarily have to lead to a more inclusive criteria to define the demos[574].

That is why other authors advocate for the principles approach. This view, as described by Sarah Song, includes, mainly, two principles: "the principle of affected interests: anyone whose interests are affected by a decision should have a voice in the making of that decision (Shapiro 1999; Young 2000; Gould 2004; Goodin 2007). Others advance what might be called the coercion principle: those subject to the coercive power of a state should have an equal say in how that power is exercised (López-Guerra 2005; Abizadeh 2008)"[575]. The latter refers, broadly, to legal subjects, although it is not clear whether that means people formally subjected to the laws (citizens) or also those who might be coerced by the laws despite not being a legal subject. In any case, the 'all-subjected' principle would hold that the demos is defined by those who are somehow subjected to some form of coercive power[576]. Nevertheless, for the purpose of this thesis the key debate within the principled approaches is the one regarding the 'all-affected principle'. Just as with the 'all-subjected' principle, the all-affected principle aims to empower people (positively) or prevent them from any form of domination (negatively) that may affect their lives. However, the all-affected principle aims to provide a higher standard of inclusion: not only does it include citizens subject to coercive power among those entitled to participate in the decision but also those affected by the unintended consequences of a decision-making process. In this case the key questions include the epistemic difficulty of delimiting who is actually (or potentially) affected by a decision, the difficulty of defining relevant interests or the private/public distinction (if it applies at all).

In this chapter, I will explore Beck's account of the 'all-affected principle'[577] in order to determine whether he does answer to Fraser's objection to a radical inclusive approach: "unable to identify *morally relevant* social relations, it treats every causal connection as equally significant. Painting a night in which all cows are grey, it cannot resist one-size-fits-all globalism"[578]. As I will argue, answering this question implies two distinct but connected issues: how we define the demos (Chapter 4) and how we structure the interaction between those demos (Chapter 5). In my understanding of nations and nationalism, the alleged incompatibility between the principle of nationality and the 'all-affected' principle is not valid. Moreover, I will argue that any attempt at building

[572] Fraser (2009)

[573] "By democratic iterations I mean complex processes of public argument, deliberation and exchange through which universalist rights claims are contested" Benhabib (2011) p.165

[574] This critique has mainly been raised by Young (2000)

[575] Song (2012)

[576] There are debates about whether the subjected impliesy subjected by the 'state' (a thicker understanding) or by 'any political system' (wider understanding). I address this distinction in Section III. Other debates also address whether the coercion that affects those who are subjected is done through the 'law' (thicker view) or to all sort of coercive decisions' (wider view). As Beck is far from going through such a detailed level of analysis, I will not apply this last considerations when reviewing his work.

[577] Beck, U. (2007), p.240

[578] Fraser (2009) p.292

democratic regimes that include the 'all-affected' principle should stop addressing national pluralism as a problem[579]. Instead, I will argue that it is precisely the multicultural understanding of the national demos which manages to foster the strong democratic bonds that the 'all-affected' principle requires. To some extent, I follow the connection presented by Alain Gagnon when he holds that overcoming the Westphalian model of the nation-state is a priority *both* as it "leads to the erosion of national diversity *and* to the impoverishment of democratic practices and institutions"[580].

This is particularly true in Europe, where the overlapping of multiple demos (as I will address in Chapter 5) is a constant feature, fostering the need to rethink the idea of citizenship beyond merely national and merely individual scopes[581]. That is to say, the paradigm change does not necessarily imply rejecting the principle of nationality (as the monist understanding of the nation concludes[582]) but making it compatible with the reality of plurinationality[583]. Nevertheless, once we have understood that asserting the idea that nations matter may be perfectly reasonable, we may check its compatibility with the Cosmopolitan project. That is, whether, as Craig Calhoun asserts, nationalism can be "a discursive formation that facilitates mutual recognition among polities that mediate different histories, institutional arrangements, material conditions, cultures, and political projects in the context of intensifying globalisation. Nationalism offers both a mode of access to global affairs and a mode of resistance to aspects of globalization"[584]. As I will point out, most of the problems of the principle of nationality arise from the overlapping principle of statehood[585], not from the institutionalisation of the nation itself. The latter will mainly depend, I argue, on the extent to which that institutionalisation endorses critical/reflexive multiculturalism.

This chapter (as well as Chapter 5), thus, aims to contribute to the debates about rooted cosmopolitanism[586] through the review of Ulrich Beck's work. In Chapter 4, particularly, I will review his 'community of risk' proposal and his critique to the multiculturalist project. In Section I, first I locate the idea of community identification within his work. The aim being to explore the alternatives he explores as opposed to the principle of nationality. I then detail the specific proposal of 'communities of risk'. In Section II, I address his critique of multiculturalism as a necessarily essentialist view of diversity. I will proceed by describing a more accurate and nuanced view of the multiculturalist proposal: the idea of critical/reflexive multiculturalism. In Section III I sketch how multicultural understanding of the nation is compatible both with Beck's cosmopolitan proposal in general and the idea of risk communities in particular. I conclude by turning back to the debates about the all-affected principle of democratic

[579] Gagnon (2014) p.73
[580] *Idem* p.43, my italics
[581] Gagnon & Iacovino (2006) p.241
[582] *Idem* p.245
[583] *Idem* p.247
[584] Calhoun (2007) p.166
[585] Gans (2003) pp.69-70
[586] "Some authors have started to advance the concept of a rooted cosmopolitanism thus leaning toward the relevance of theories and concepts that built around notions of nationhood, national language, national culture and national identity. This theoretical move has instilled a new life into the concept of nationalism interpreted as an expression of the political will through the advent of loyalty, community, context of choices, solidarity or justice" Gagnon (2012) p.2

enfranchisement in order to show, more specifically, how Beck's 'global communities or risk' fit within those debates.

Section I: Building communities on the basis of global risks

In this section. I first analyse Beck's broad principles regarding the definition of the demos: his critique of the principles of nationality and universalization, his understanding of cosmopolitan nationalism and the temptation of global citizenship. Then I introduce the idea of cosmopolitan communities, particularly focusing on the idea of cosmopolitan cities as its very last proposal. I conclude by arguing that beyond the controversial specific proposals, Beck's ethical principles are what is truly innovative in his understanding of communities of risk.

Unraveling the demos

In his softer understanding of nationalism, Beck himself argues that "Cosmopolitan realism does not negate nationalism but presupposes it and transforms it into a cosmopolitan nationalism"[587]. He considers this as compatible with what he calls 'cosmopolitan common sense'. However, while saying so, he also asserts that "nationalism denies difference internally, while affirming, producing and stabilizing it externally. There is a politically effective solidarity with those like us, hence the duty to pay taxes and the entitlement to social welfare, educational opportunities and political participation; but this comes to an end at the national garden fence and may even function in such a way as to deny other nations equal rights, to stigmatize them as barbarian, and thereby itself become barbaric"[588]. In this sense, although Beck seems to accept nationalism as an actual way of ordering societies insofar as they are cosmopolitan, he does not provide a clear account of what nationalism actually means in that sense. In the following, I will address these tensions and contradictions before explaining, in the second part of the section, his alternative (or complementary) view of communities of (global) risks.

The first element that stands out regarding Beck's understanding of the community is what I call the *totum revolutum* of ethnic/civic/historic nationalism. Following what I have already described in Chapter 3, his understanding of national diversity is mainly focused on ethnic diversity or polyethnicity[589], implicitly assuming a monist understanding of the nation[590]. In a softer understanding - closer to my own approach to the cosmopolitanization process: the idea of transnational dimension of identity[591] - refers to the opening of individual biographies beyond the national framework[592]. The nation, in contrast, is conceived as a territorially based logic of inclusion/exclusion[593] that internally pressuposes cultural[594] and ethnic homogeneity and externally excludes other nations[595] (i.e., rejects cooperation). In other words, what he calls "the territorial

[587] Beck, U. (2004a) p.49
[588] *Idem* p.56
[589] *Idem* p.31
[590] Seymour (1999)
[591] Beck, U. (2004a) p.85
[592] Beck, U. (1986), p.223
[593] Beck, U. (1995), p.137
[594] Beck, U. (1997) pp.46-48
[595] *Idem* p.186

ontology of difference"[596]. This ontologization of identity necessarily implies, then, that nationally defined societies are reluctant to accept plural identities[597]. Paradoxically, this univocal understanding of the nation seems - apart from empirically inaccurate - incoherent with his reflexive understanding of the basic institutions of modernity: he takes for granted that nationally defined societies are closed to global challenges[598]. That is, his understanding of the 'national outlook' as the account where "society is equated with society organized in nationally and territorially delimited states"[599] ignores the new waves of nationalism (both in theory and in practice) that combine the defense of territorially settled and internally plural nations with the existence of other layers of individual (and collective) engagement. Furthermore, the identity of state-nation-society that he takes for granted as the motto of first modernity[600], apparently ignores the existence of plurinational tensions in nation-states such as Spain, Belgium, Canada, UK or Italy since the 19th century[601].

However, curiously enough, in other parts of his work, Beck not only accepts the possibility of a "cosmopolitanization of the self and of national consciousness"[602] but even refers to the possibility of building nations that foster cosmopolitan projects (such as a green economy[603]). The problem, in my view, is that despite punctually recognising (or even advocating in favour of) the possibility of cosmopolitan nations, his normative understanding of the political community directly clashes with any possible understanding of the nationality principle. Nevertheless, he advocates for a legally sanctioned individualism as the basis of the state[604]. This is, he says, a way to address the cosmopolitanization of identities that allegedly pushes national belonging more and more into the background[605]. The difference with other postnationalist authors is that he does not defend this Kantian view on the basis of a systematically developed normative proposal, but as an allegedly inevitable consequence of the risks that affect us beyond any traditional difference[606]. That is why it does not appear so contradictory that Beck claims to value national difference, even as ethnic difference[607]: he believes that they can constitute imagined communities beyond the territorial borders[608]. Therefore, he either advocates for a cosmopolitanization of the state (although while doing so, he ends up rejecting the national outlook, falling once again into the either/or logic he rejects[609]) or for alternative non-territorial and non-institutional forms of politicization[610] (sub-politics). That is to say, he holds that "categorically and historically speaking, we are dealing with a 'politics of politics' or 'meta-poltics' in which what seemed to constitute

[596] Beck, U. (2004a) p.30
[597] Beck, U. (1997) p.99
[598] Beck, U. (1999), p.102
[599] Beck, U. (2004a) p.25
[600] Beck (2004) p.38
[601] Gagnon (2009)
[602] Beck, U. (2004a) p.72
[603] Beck (2007) p.57
[604] Beck, U. (1999), p.15
[605] Beck & Beck-Gernsheim (2002) p.290
[606] Beck, U. (1999), p.97
[607] Beck, U. (2004a) p.52
[608] Beck, U. (2008) p.196
[609] Beck, U. (2004a) p.31
[610] Beck, Lash, Giddens (1994) p.56

an indissoluble unity, politics and nation, politics and state, are being politically decoupled and transformed"[611]. As national politics necessarily excludes the global dimension of second modernity[612], Beck argues, we need to find other means to integrate societies that may avoid the revival of nationalism[613].

Before going through the alternatives he introduces, I briefly present his critiques to the two approaches to democracy-diversity that he rejects: communitarianism and universalism. On the latter, Beck argues that communitarian views fail as they both assume the status quo of nationally defined institutions[614] and undermine their potential of exclusion[615]. On the institutional dimension, his critique is based on the idea that national borders are exceeded by the ongoing cosmopolitanization of reality[616]. Therefore, the in/out distinction that, according to Beck[617], is on the basis of communitarianism is *de facto* suppressed. Still, he does not explain how exactly he aims to articulate common rules with a universally acceptable understanding of difference[618]. Nevertheless, and this refers to the second approach he rejects, even if he rejects communitarianism, he does not defend a universalist alternative[619]. In his view, a cosmopolitan view needs to overcome the false alternative between "hierarchical difference and universal equality"[620]. Cosmopolitanism needs to foster a contextual universalism where particular contexts and universal concerns "enter into mutually confirming and correcting relations"[621]. Otherwise, passively assuming the dynamics of neoliberalism[622] may give birth to a cosmopolitan regime[623], but it will necessarily be a "deformed cosmopolitanism"[624]. Instead, he argues that global risks force the raise of a global public discourse beyond the national borders that has to be compatible with the political activity between strangers within the nation[625]. That is, precisely, the theoretical ground for his tentative proposal of cosmopolitan nationalism.

The idea of cosmopolitan nationalism results directly from his assumption that cosmopolitan interdependencies arise "in a climate of heightened global threats, which create an unavoidable pressure to cooperate"[626]. The fact that risks are not localized (in the spatial, temporal or social sense[627]) generates a conflict about the definition of

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611 Beck, U. (2004a) p.99
612 Beck, U. (1999), p.23
613 Beck, U. & Beck-Gernsheim, E. (2002) p.62
614 Beck & Beck-Gernsheim (2002) p.289
615 *Idem* p.288
616 Beck (2011) p.135
617 *Idem* p.139
618 Beck (2004) p.34
619 *Idem* p.263
620 Beck, U. (2004a) p.58
621 *Idem* p.60
622 Addressing Beck's understanding of the neoliberal dynamic of universalization is beyond the scope of this thesis. However, it is important to note that he is aware of the risk of depolitization [Beck, U. (2002), p.126], unregulated global trade [Beck, U. (1999), pp.179-180] or the blurring of social relations [Beck & Beck-Gernsheim (2002) pp.287-288]
623 Beck, U. (2002), p.124
624 Beck, U. (2004a) pp.20-21
625 Beck, U. (2007), p.248
626 Beck, U. (2004a) p.24
627 Beck, U. (2007), p.84

'global' itself[628] that, to be properly rooted, needs the inclusion of the national dimension[629]. Nevertheless, the immediate experience of the global catastrophe through the media and social networks[630], even if breaking down national indifference toward events beyond the national borders[631], continues to have a local dimension[632]. Not being clear how Beck aims to combine both dimensions, it is clear that the need for combining them is a sort of cosmopolitan imperative[633]. A cosmopolitan imperative that echoes his idea of transnationalization that I will explore further in Chapter 5: "a balancing act among political loyalties, which implies an existence involving multiple affiliations and plural nationalisms"[634]. The national-global is not conceived as a dichotomy but as a mutually reinforcing dynamic[635] in Beck's cosmopolitan view. However, once again his proposal moves within subtle ambiguity: on the one hand, he seems to accept that cosmopolitanization will not create a global community of faith[636] nor, at least automatically, global political actors[637] and therefore needs a transnationalization of the community[638] (which pressuposses the nation); on the other, he seems to advocate for a global civil society[639] with global forms of direct political representation[640].

This is the tension that I call the *omnipresent temptation of global citizenship*. Nevertheless, although I do not consider it the core proposal of Beck's cosmopolitanism in terms of explaining how political institutions are articulated in second or reflexive modernity, I do think that the tension illustrates the shortages of Beck's understanding of cosmopolitan nationalism (as the idea of global citizenship collides with that proposal). This *temptation* is expressed in various ways, including: as the idea of global consumers that do not know any forms of territorial or spatial engagement[641], as the idea of post-national states that only answer to global concerns[642] or the idea that the persistance of the nation-state is a matter of mere efficiency[643]. I believe that those views show a poor understanding of the principle of nationality that, as I will sketch in Sections II and III, implies matters of autonomy, self-rule, legitimacy or even democracy. However, I believe that it is not fair to focus on those specific aspects: even

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628 Beck, U. (2002), p.129
629 Beck, U. (2004a) pp.101-102
630 Beck, U. (2007), p.107
631 *Idem* pp.105-107
632 Beck & Beck-Gernsheim (2002) pp.289-290
633 Beck, U. (2004a) p.57
634 *Idem* p.65
635 Beck, U. (2007), p.107
636 Beck, U. (2002), p.130
637 "The answer I propose here is that the global actors of the politics of politics do not exist, but are first constituted by meta-politics as global actors (...) Questioning the politics of the nation-state, on the one hand, creates power potentials for new global actors and, on the other, propels the politics of politics. The power potentials of global actors, their resources, their status and scope for action are not just interdependents in principle; the actors first arise through their 'moves' and counter-moves, through their practices of self-interpretation, articulation, mobilization and organization in which they aquire (or lose) their identities and agency" Beck, U. (2004a) p.101
638 Beck, U. (2007), p.236
639 Beck, U. (1986), p.67; Beck, U. (1997) p.136; Beck, U. (2007), p.89
640 Beck, U. (1999), pp.26-27
641 Beck, U. (2002), p.31
642 *Idem* p.33
643 Beck (2011) p.141

if I believe they show a poor understanding of the principle of nationality, I do not think they are representative enough of Beck's proposal. Furthermore, there are several explicit parts of his work where Beck either explicitly rejects the idea of a global state[644] or provides a pluralist account of citizenship that, as I will argue in Chapters 5 and 6, does not demand a global state[645].

In sum, I hold that Beck's understanding of the political community or the political articulation of the state is mainly focused on breaking with first modernity's understanding of the nation-state. Not as a matter of normative choice, but as a way of fostering institutions capable of dealing with global risks and the "unwanted contexts of action beyond national and systemic boundaries"[646] that they generate. I share this concern, and I also agree that, in a cosmopolitanized world, reflexive or self-critical local[647] and international[648] social relations, alliances and communities arise in a politically relevant manner that we need to address. However, I think that in his effort to propose an account of those alternative ways of articulating the community, he fails to adequately accommodate the principle of nationality. A failure that, beyond its potential normative consequences and the inability to build a solid theory of cosmopolitan nationalism, can end up jeopardising his proposal of cosmopolitan communities or global communities of risk. Therefore, before addressing what I consider the normative standpoint of that inability (his inadequate understanding of multiculturalism), I explain in detail his specific proposal. That is, the idea of community in a cosmopolitanized world.

Global communities of risk based on the 'all-affected' principle

The main issue underlying the idea of a global community of risk is the way in which, according to Beck, risks generate interdependencies. Or, more accurately, that "the truly epoch-making difference consists in the expansion of culturally produced, interdependent insecurities and dangers, and the resulting dominance of the public perception of risk as staged by the mass media"[649]. That is, even if global risks are materialized in local catastrophes, the perception of risk is experienced transnationally or globally[650]. According to Beck, the interdependencies generated by global risks break with the spatial and identity barriers that traditionally defined modern societies[651]. This rupture generates a self-feeding pattern: the more we realize how exposed we are to global risks regardless of nation-state borders, the more interdependencies we will generate[652] (as global risks force us to accept that there is no alternative than fighting those risks together[653]). The key premise, then, is whether this forced awareness of

[644] Beck, U. (2004a) pp.167-168
[645] Beck, U. (1999), pp.35-36
[646] Beck, U. (2004a) p.35
[647] Beck & Beck-Gernsheim (2002) p.292
[648] Beck, U. (2007), p.99
[649] Beck, U. (2004a) p.22
[650] Beck (2004) p.274
[651] Beck, U. (2007), pp.255-256
[652] Beck (2004) p.275
[653] Beck, U. (2007), pp.268-270; Beck (2011) p.4

global risks - however problematic[654] - can provide the grounds to build new forms of political communities (in the same way, Beck holds, that modernity managed to overcome the moral and intellectual ruins of medieval societies[655]). According to Beck's cosmopolitan account, the answer is affirmative: the dynamic of risk forces organizations to reflect on the decisions taken by others as well as to agree both on attributing the responsibilities[656] and weighing the consequences[657] beyond the nation-state container.

Going back to a Kantian individualised understanding of the community, Beck believes that global risks (some risks, to be accurate[658]) force cosmopolitanism understood as the abandonment of vertical difference and the constitution of a universal unitary rule[659] that articulates the diversity of races, classes and religions. This sort of being united in diversity requires, Beck argues, assuming a cosmopolitan hermeneutic[660] that will enable bottom-up globalization[661]. Nevertheless, Beck adapts Benedict Anderson's approach to nations[662] to his own understanding of global risk communities. The difference, in Beck's view, is that while Anderson describes nations as imagined bonds based on a common past, imagined communities of risk are based on the "common present of a future threat of civilization"[663]. As he asserts, "it is global risk—or, more precisely, the staging and the perception of global risk—that creates imagined communities across all kinds of boundaries. It is the reflexivity of world risk society that produces the reciprocal relation between the public sphere and globality"[664]. It is the permanent global broadcast of risks that pushes this common sense of belonging[665]: even if individuals may reject the idea that they are subject to global risks[666], the threat

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[654] Beck assumes that the power of global risks to break with traditional rules, limits, identities and responsabilities comes alongside the difficulty of building a consensus on the actual meaning of those same global risks [Beck (2004) p.277]. This, he continues, can even lead to a new inside/outside dynamic between those who share the definition of global risks - and therefore belong to the community - and those who oppose it [Beck (2004) p.283-285] However, Beck argues that this phenomena is mainly emphasized by the nationally stereotyped views of global risks [Beck, U. (2007), p.232], suggesting that a cosmopolitan view will avoid that kind of phenomena. Beck expands this idea in his review of Robert Wuthnow's *Be Very Afraid: The Cultural Response to Terror, Pandemics, Environmental Devastation, Nuclear Annihilation, and Other Threats*, accusing him of assuming a closed American perspective.

[655] Beck, U. (2007), p.286

[656] *Idem* p.233

[657] Beck (2004) p.290

[658] Beck, U. (1999), p.25; He also introduces two conditions to consider that a risk has the potential to found a imagined cosmopolitan community: "First, under certain conditions (e.g., freedom of the press, reflexive forms of reporting but also state-institutionalized promises of security and equality and civil rights and liberties) media reporting of financial crisis and climate change creates a public sphere, which is not only a media public but can also reflexively constitute transnational risk communities. Second, such risk communities become possible on the basis of the recognition of dependency (power) and interdependency (mutual dependency)" [Beck (2011) p.6]

[659] Beck (2004) p.32

[660] Beck, U. (2007), p.257

[661] Beck, U. (1999), p.58

[662] "The idea of a sociological organism moving calendrically through homogeneous, empty time is a precise analogue of the idea of the nation, which also is conceived as a solid community moving steadily down (or up) history" [Anderson (1983) p.26]

[663] Beck (2011) p.9

[664] *Idem* p.5

[665] Beck, U. (2007), p.258

[666] *Idem* p.261

(particularly in the case of climate change) is so persuasive that "they intensify worldwide social relations"[667]. On the basis of this view is the idea that societies are "the evolution of meanings shared by the majority, based on the collective practical experience"[668]. However, the question of the institutionalization of communities cannot be answered by the plea for individually based communities of risk. Nevertheless, even if Anderson's view of the nation were not right[669], if we assume that his understanding of nations as imagined communities is right, we may still need to show how they are translated into actual (not imagined) political institutions. That is where the idea of empowering the municipal level gains relevance[670].

Nevertheless, Beck's underlying aim is to introduce into the socio-political order the idea that we need to take into account those who are affected by our decisions (either past or present, as in the case of climate change). The political community, then, is constituted by those affected by global risks. The key issue, then, is that the actual community where global risks are suffered and discussed, according to Beck[671], are the cities. He argues that opposed to states, that keep being stuck in a container understanding of society (as homogeneizing and exclusive) and national interests (as a zero-sum game), cities are "more open to cooperative cosmopolitan politics"[672]. That is why he refers to globally engaged cities as 'world cities'. In his very last and thus not fully developed hypothesis, he concludes that "nowehere other than in world cities and their informal and formal connections is the opportunity to shape the potential for indignation, the power of the anticipated catastrophe, into institutional, democratic political forms so palpable"[673]. This is particularly true in the case of risk communities aiming to fight climate change: the recent examples of 125 cities in the United States opposing the Trump Administration's withdrawal from the Paris Agreement[674] or the global repercussion of the Barcelona's City Council's attempts to fighting car saturation by creating semi-pedestrian superblocks[675] illustrate this view. However, this proposal also faces at least two major objections (that I merely mention here): the inability of cities to duly address some global challenges (as Beck himself admits[676]) and, more

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667 Beck (2016) p.195

668 Beck, U. (2007), p.277

669 I personally find the overall idea appealing and not necessarily conflicting with my understanding of the nation as a political fact: ultimately, this imagined communities mobilize citizens regarding a specific institutional frameworks, turning social facts into political facts. Whether that's how the social fact is constituted or answers to different patterns stands beyond the scope of my approach, more focused on how those political facts work in a cosmopolitanized world and how compatible can be with cosmopolitan concerns.

670 Beck & Beck-Gernsheim (2002) p.291

671 Beck (2016) p.165

672 *Idem* p.164

673 *Idem* p.171

674https://www.theguardian.com/cities/2017/jun/12/climate-change-trump-new-york-city-san-francisco-houston-miami

675https://www.nytimes.com/2016/10/02/nyregion/what-new-york-can-learn-from-barcelonas-superblocks.html?mcubz=2&_r=0

676 "Looking at political decision-making and collective action through the frame of reference of transformation means focusing on what is problematic in national politics (e.g., elections, changes in the constellation of political parties, changes in the national and regional order, etc.), as well as on the international organizations, alliances, regional wars, 'failed states', etc. From this perspective, world cities appear to be of minor political importance with respect to the new challenges we are facing today" [Beck (2016) pp.165-164]

importantly, the fact that "city interests" do not necessarily match global interests or may even oppose them. For example, there are cases of local economic interests that directly clash with a cosmopolitan approach to global matters such as climate change or peace. In the first case, we could point to cities that accept or even push for implementing environmentally catastrophic facilities (e.g., the case of the major increase of blackberry farmers in the surroundings of the natural parc in Doñana, Spain, or the case of cities that embrace nuclear waste plants) or war-factories (the case of the shipyards in Cadiz, Spain, building war boats for non-democratic countries). Both cases illustrate how legitimate municipal interests (granting employment to their citizens) can clash with the cosmopolitan need of addressing global risks.

I am not suggesting that it is the city's responsibility to take those decisions in these cases: they probably result from far more complex dynamics where the cities are left with little or no margin to decide. That is, most probably it is reality that pushed them to make decisions following a perverse either/or logic (either you dynamize the economy and grant employment to your citizens or you save the environment/promote peace). What I am suggesting is that these municipal-national-transnational dynamics not only have to be in competition (as Beck suggests[677]), but they must reinforce each other. Little wonder, while I share the idea that cities are the closest political domain where individuals experience and debate global risks[678], I disagree with the idea that this politicization will advance globally by itself in a decisive way. Nevertheless assuming that cities are home to "well trained liberal citizens"[679] who will necessarily engage in a cosmopolitan debate regarding global risks implies undermining the fact that cities also shelter a wide myriad of interests, preferences, ideologies and life-circumstances (at least in pluralistic democracies as the ones described by Beck) that may even generate anti-cosmopolitan dynamics.

The idea that a "cosmopolitan common sense"[680] will guide the debate in the cities as a direct consequence of experiencing global risks is as implausible as believing that an 'egalitarian common sense' will guide the debates among the workers as a direct consequence of experiencing the risk of being worse off because of losing their working rights. I am not then denying the potential - or even the need - for building cosmopolitan cities as communities of global risks. However, I do believe that this requires adequate institutional pre-conditions that may (1) provide the municipal level with adequate tools to both elaborate and promote answers to global risks, (2) ensure an optimal frame for cooperation and mutual-learning between municipalities and (3) set the minimum rules that may block either external or internal (anti-cosmopolitan) interference. Otherwise the transformation (or metamorphosis) process described by Beck will be either very slow and reversible due to the (necessary) influence or distortion of partisan politics/interests - best case scenario - or will directly led the initiatives to a sort of

[677] Beck (2016) pp.167-168

[678] Beck (2016) p.180, although I am afraid that the category of city itself can be as misleading as the category of nations (as explained in Chapter 3, Section III): while Bilbao (~400 thousand inhabitants) is a city and Luxembourg a nation (~500 thousand inhabitants), Netherlands (~17 million inhabitants) is a nation and Sao Paulo (~14 million inhabitants) is a city.

[679] Beck (2016) p.173

[680] Beck (2016) p.169, Beck argues that "we can talk of a "cosmopolitan common sense" when there is good reason to assume that where these universalist minimums are considered valid, the majority of people are prepared to defend them if necessary" [Beck & Sznaider (2011) p.7]

'David vs Goliat'[681] or 'Asterix and Obelix'[682] kind of local romantic resistance with little or no global impact. How these preconditions are constructed may vary[683], but it still seems indispensable to define them beyond the merely local scope of action.

Instead, I found it much more promising to explore the broad ethical principles underlying Beck's idea of global risk communities. In this way, we may be able to have a minimum guideline to build the above-mentioned pre-conditions both at the national and supranational realms. These pre-conditions may facilitate the potential flourishing of bottom-up political (and sub-political) organizations. These principles - or reflexive reformulation of already existing principles - include: hospitality, cosmopolitan tolerance and transnational solidarity. The first, the principle of hospitality, consists of the duty to welcome the foreigner. In Beck's view, in a world with such a level of interdependencies caused by global risks there is no way to exclude the other[684]. Once individual biographies are forced to be reflexively constructed without the traditional forms of life, we are (forcedly) engaged in the common project of dealing with global risks. Thus, as Innerarity states, this being in common necessarily leads to a promise-based dynamic of identity forming: the promise of the common project generates some duties/expectations about how the individual will act[685]. In the case of global risks, then, that implies endorsing a cosmopolitan view where the otherness, while existing, becomes part of us. And that 'existence' of otherness is what leads us to the second principle that should rule a global risk community: the ethical recognition of the other[686], or, in Beck's terms, his cosmopolitan tolerance. Nevertheless, as Innerarity argues, with the transformation of current life-conditions (mobility, exponential scientific progress and a subsequent rise in uncertainty, increasing levels of data and information with decreasing levels of trustworthy sources of knowledge, etc.) rethinking the ethical implications of the contact with the strange-other becomes an imperative[687]. However, beyond the mere rhetorical appraisal of difference (as opposed to any attempt at dissolving it[688]), it is not clear how this principle actually applies in Beck's account. That is what I address in Section II, when addressing his critical account of multiculturalism.

However, before proceeding to do so we may refer to the last ethical principle that should rule global risk communities: that of transnational solidarity. It is precisely in the cosmopolitan understanding of recognition - i.e., transnationally understood[689] - where we may rethink the concept of solidarity. In Beck's account, cosmopolitan identity - not

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681 Innerarity (2001) p.48-50 alludes to this same metaphor to describe second modernity's oversimplified portrayals of the socio-political dynamics between institutions and the individual, work and capital or culture and self-identity.

682 This very banal reference helps to illustrate the idea of an idealised well-intentioned group of individuals resisting the bad-intentioned interference of the world. World politics, as we know, operate under much more complex patterns.

683 See Innerarity (2011) Chapter 2, where he explains the importance of articulating space, knowledge, culture and science so that they may become effective for the generation, exchange and use of community wisdom as well as some minimal specific requirements (infrastructures, territorial openness, positive attitude towards risk and creative inter-group interaction) to build a smart or reflexive territory.

684 Beck, U. (2007), p.259

685 Innerarity (2011) p.53

686 Beck, U. (2007), p.260

687 Innerrity (2001) p.129

688 Beck (2004) pp.256-257

689 *Idem* pp.260-261

necessarily understood as a cosmopolitan culture, in Waldron's terms, but as a reflexive identity - is presupposed to lead to transnational solidarity (as opposed to the national solidarity towards those who, in his view, share the national identity[690]). However, Beck believes that this understanding of cosmopolitanism is stuck on the same national view that he aims to overcome: it falls again within an exclusive understanding of solidarity where we share *either* with our co-nationals *or* with humanity as a whole[691]. Instead, he argues, the cosmopolitan dynamic (particularly in Europe[692], where the experience of otherness as part of self-identity is more intense) implies assuming the contingency of borders and therefore constantly negotiating the social-distributive structure[693]. It is not that the national dimension of solidarity is lost, but that it is made compatible with new frameworks of solidarity. That is what he calls the historic compromise of cosmopolitanism between material and cultural justice[694].

These principles synthesize the aims of Beck's cosmopolitanism without falling on ambiguities and straw-man fallacies regarding the role of territorially settled nations. Nevertheless, his proposal of breaking with the global/local, national/international dichotomies is the basis of a cosmopolitan nationalism. However, this does not mean that the elements of the dichotomy are dissolved, but that they necessarily coexist: *both* in national *and* international institutions. Beck himself accepts that cosmopolitan principles are also promoted in "regional units"[695]. Moreover, he even asserts that "cosmopolitanism–cosmopolitization does not exclude the nations; it includes them (...) Anyone who, unable to escape the national gaze, asserts that national and cosmopolitan is an either–or matter fails to recognize the special quality of 'both one thing and the other' of national and cosmopolitan that the cosmopolitan gaze takes for granted"[696]. The key question, then, is how we make compatible the territorially delimited and institutionally framed expressions of difference and solidarity with the aim of building global communities of risk with a cosmopolitan basis. In Section II, I will address the former, difference, reviewing whether Beck's critique of multiculturalism is actually a valid critique. In Chapter 5 Section III (as it is connected with his understanding of the transnational order), I will explore the latter, transnational solidarity, sketching out the possible paths of rethinking solidarity (at least in Europe) following Beck's understanding of the cosmopolitan community.

[690] Beck, U. (2008) p.195
[691] Beck (2004) p.265
[692] *Idem* p.249
[693] *Idem* p.251
[694] *Idem* p.266
[695] *Idem* p.31
[696] Beck (2011) p.7

Section II: The alleged incompatibility of multiculturalism and global risk communities

In this section, I first analyse the main multicultural proposals, the one presented by Will Kymclicka, in order to present what Beck is actually rejecting critically. Once presenting its basic features, I introduce some relevant distinctions that Beck tends to disregard. Then I introduce the idea of critical or reflexive multiculturalism on the basis of the nuances that Kymlicka and others have introduced within the multicultural proposals. The aim is to show that, against Beck's view, multiculturalism is not only not incompatible with cosmopolitanism, but duly understood can actually be necessary.

The essentialist critique of multiculturalism

The way Beck frames the multiculturalist approach to difference is as a view that hierarchically essentializes differences: affirmatively assuming the already existing group identities, then, is opposed to the forced reflexivity of cosmopolitanism[697]. He argues that "multiculturalism remains trapped in the epistemology of the national outlook, with its either/or categories and its susceptibility to essentialist definitions of identity"[698]. In this sense, multiculturalism appears in Beck[699] more focused on preserving pure diversity than on praising difference. It locates closed conceptions of cultures outside of the individual while forcing those individuals, as a mere consequence of birth within a specific context, to comply with the binding traditional forms of life raising from that collective culture[700]. The most radical expression of this would be the mononational understanding of culture[701], the less radical one will be closer to Beck's cosmopolitan understanding of difference, but with two main flaws[702]: it points to more or less homogeneous groups; and it locates them within the nation-state. Beck's alternative understanding of difference is based on the idea that culture is no longer a source of absolute identity.

As the case of language shows, Beck argues, the 'polygamy of languages'[703] breaks the barriers between cultures and nations, avoiding the either/or logic of monolinguism[704]. However, he clearly states that this view is incompatible with a progressive unification under a single language that may lead to the dissolution of difference[705]. This sort of cosmopolitan understanding of language in particular and culture in general is the basis of his *European* understanding of horizontal diversity[706]. I stress the *European* label -

[697] Beck (2004) p.262
[698] Beck, U. (2004a) p.66
[699] Beck, U. (2008) pp.150-151
[700] Beck, U. (2004a) p.67
[701] Beck, U. (2008) p.150
[702] Beck (2004) p.33
[703] *Idem* pp.148-149
[704] *Idem* p.148
[705] *Idem* p.149
[706] *Idem* p.150

although I will explore the case in Chapters 5 and 6 - as Beck considers it a very specific case of plurality where a supranational framework of cooperation (European institutions) coexists with a history of cultural developments, interactions and conflicts that resulted in European diversity (as opposed to American multicultural nation building[707]). That is, the promise of a union among diverse peoples, skeptically conceived in the aftermath of the Second World War[708], has been achieved within Europe[709]. Moreover, he explicitly rejects the idea of diluting European diversity into a "great European nation"[710], arguing that this will rekindle fears of cultural uniformity and block the integration process itself.

The question, then, is whether multiculturalism as both a theoretical and practical proposal lacks the reflexivity that Beck's cosmopolitanism demands as opposed to essentializing cultures[711] or whether the multicultural society refers to a sociocultural system aware of its own contingency and in permanent interaction with the diverse world views that constitute a plural society[712]. The answer that I found most reasonable would be an account that follows Paula Casal's reasoning regarding the equilibrium between multiculturalism and animal rights. In her view, "unless arguments that are more powerful can be devised (...) the cruel side of cultural or religious traditions should be reformed"[713] despite some arguments that could be raised on behalf of multiculturalism[714]. However, this does not imply opposing either diversity or multiculturalism, as among other claims she states that (1) cultural adaptation is possible and (2) that "concluding that we should deny minorities exemptions detrimental to women, children, or animals does not imply that we should reject other forms of special consideration"[715]. In this same vein, my aim now is to consider whether multiculturalism is bad for cosmopolitanism (following Casal's title, *Is Multiculturalism Bad for Animals?*) as Beck seems to assert. To do so, I will first determine what multiculturalism actually is (describing the proposal done by its most prominent defender, Will Kymlicka) and then I will proceed to review the essentialist critique.

Since Will Kymlicka published *Multicultural Citizenship* (1995), he has been developing two basic ideals: (1) the cosmopolitan duty of universally protecting Human Rights requires going further than individual rights' protection by granting collective rights and (2) regardless of how they are constituted, collectivities are subject to special rights (i.e., self-government, multiethnic rights and special representation rights). In any case, the relevant feature of his approach is culture understood as "synonymous with nation or people; this is to say, as an intergenerational community, institutionally more or less complete, occupying a given territory or homeland and sharing a language and a specific history"[716], introducing a decisive difference from multiethnic proposals: the

[707] Beck, U. (2004a) p.175
[708] Beck (2004) p.154
[709] *Idem* p.153
[710] *Idem* p.152
[711] Beck, U. (2004a) p.66
[712] Innerarity (2001) p.141
[713] Casal (2003) p.21
[714] Casal mainly addresses the religious and fairness arguments: "religious arguments assume that special protection for religious activity is a basic civil liberty whilst fairness arguments focus on the fact that animal sacrifices are performed by a disadvantaged minority" [Casal (2003) p.2]
[715] Casal (2003) p.22
[716] Kymlicka (1995) p.36

institutional dimension. The other key element of his proposal is the distinction between internal restrictions that protect the group from "the destabilizing impact of internal disense"[717] (intra-group) and external protections that protect the group from the "impact of external decisions"[718] (inter-group). According to Kymlicka, a liberal position[719] should claim external protections while refusing internal restrictions. This means, following the distinction between internal and external self-determination, granting the necessary means to pursue internal self-determination. Or, as Neus Torbisco presents it, providing the means to foster the politicization of identity as the "political demands that people raise not merely as individuals, but as bearers of a particular identity group"[720]. However, Kymlicka specifies what this means in terms of political autonomy or self-government: the power to decide over one's own cultural issues[721] (i.e., education, migration, resource development, language and family law, for instance).

In opposition to the intrusive and exclusive national building processes carried out by states – against the very basic idea of diversity that they are ostensibly attempting to protect –, the multicultural proposal is based on the rejection of the traditional way of dealing with diversity in liberal states as well as on the defense of the institutional and public recognition of peoples[722]. This is directly linked to the guarantee of collective rights. In contrast to the traditional liberal view that believes that individual rights cover the right of enjoying cultural diversity, Kymlicka believes that ethno-cultural justice is not granted by the individual rights covered by most of the Fundamental Rights declarations from western democracies[723] (i.e., constitutions and international treaties such as the European Convention on Human Rights). This is especially reflected on issues concerning linguistic rights, self-government on migration issues and violation of institutional autonomy[724] (not in terms of exclusive sovereignty but in terms of autonomy, which can be compatible with diverse forms of sovereignty). In short, liberal multiculturalism claims that, in order to grant their fairness, human rights should be completed by several collective rights: "linguistic rights, self-government rights, representation rights, federalism, etc."[725]. Those elements are political, rather than purely symbolic and should, therefore, be tackled as equally relevant components of a fair society.

As I have explained in Chapter 3, the case of minority nations – or stateless nations – is useful to understand how the recognition process works (as, in this particular sense of institutionalizing diversity, there is not that much difference between minority nations in states and nation-states in supranational institutions). The main goal of minority nations – from a liberal perspective – is to build up a *societal culture*. From Kymlicka's view, the political stand holding this position is liberal nationalism[726], which differs from the traditional (the one maintained by the orthodox view focused on sovereignty) in three

[717] Kymlicka (1995) p.58
[718] *Idem* p.59
[719] Kymlicka (2003) p.93
[720] Torbisco (2016) p.6
[721] Kymlicka (1995) p.61
[722] Kymlicka (2007) p.79
[723] Kymlicka (2003) p.103
[724] *Idem* p.109
[725] *Idem* p.115
[726] Kymlicka (2007) p.83

main elements: it does not impose an identity, it has a more open view of sovereignty and it is not aggressive. This is reflected in their aspirations: "federal or quasi-federal territorial autonomy; official, national or local linguistic status; guaranteed representation at the central government or the constitutional court; public funding for universities, schools and media that use the minority language; constitutional or parliamentary affirmation of multinationalism; granting international personality"[727]. From this standpoint, liberal nationalists seek to learn from other peoples and cultures and not, at least solely, preserve the purity of a culture – including the legal legacy – rooted in tradition.

The key issues, in abstract, are: respect for the diversity of peoples, democratic participation/representation, political organization and public recognition[728]. These features, covered by the right to internal self-determination, are the guarantee for equality between groups or collectivities. According to liberal nationalism, this right is materialized through the differentiated citizenship that grants internal autonomy to individuals sharing the same *societal culture* (whenever it is consistently materialized as a nation). In this way, effective participation[729] enables each of the cultures taking part in the decision making processes beyond the formal recognition in the legal documents (constitutions or international treaties) that organize encompassing political entities.

These principles are materialized in the Federal Multinational State proposal defended by Kymlicka - and many others - as the best mean to grant diversity through self-determination while enabling the development of legitimate supranational sovereign institutions[730]. The underlying aim is to grant a "political system that includes a division of powers reflected in a constitution – between a central government and two or more subunits (provinces, *lander*s, states, counties) that are defined through a territorial approach – which is characterized by the fact that each level of government has a sovereign authority in certain matters"[731]. In this way, diversity is respected while power is not centered in a single political level but shared through all the institutional levels in a non-hierarchical functional way. This is to say, while each morally relevant unit in self-determination is fully granted, sovereignty is not an intrinsic attribute of any of the levels but a shared attribute of the system.

Now, this theoretical ideal also presents several complications and cannot be applied in absolute terms[732], especially due to the distribution of powers. That is why negotiation and deliberation are such relevant features of these kind of institutional arrangements. Referring once again to the example of minority nations, it is clear that this kind of arrangement can be used by classic nationalist perspectives in their aim to gain sovereignty[733] or with the purpose of diluting sub-state powers in favour of homogeneising purposes. However, the fact that this possibility exists is not a normative argument against the proposal, but a political unforeseen difficulty. The key point is explaining how living in this kind of multinational federal arrangement benefits

[727] *Idem* p.85
[728] Kymlicka (1995) 183
[729] Kymlicka (2007) p.253
[730] Kymlicka (1995) p.165
[731] Kymlicka (2003) p.133
[732] *Idem* p.143
[733] *Idem* p.163

individuals[734] while channeling diversity in a way that other arrangement cannot offer. Western multinational federalism meets liberal expectations and, in fact, the claims in favour of traditional institutional arrangements have been a way of generating renewing and progressive projects of regional autonomy[735]. Nationalist movements, says Kymlicka, have actually overcome stereotypes to show that we are perfectly capable of self-governing, up to the point that difference, however conceived, has often been used as a mere justification to raise claims for self-government[736].

Since this is the general frame of the Multicultural proposal raised by Kymlicka, it is important to introduce at least three key analytical distinctions before answering the essentialist critique raised by Ulrich Beck: conservative / progressive multiculturalism; normative multiculturalism / multiculturalist policies; and the contextual / universal understanding of multiculturalism. On the first distinction, the conservative view will defend teh idea that national identities "cannot be remade as they are natural and can be conserved or can die"[737]. From this basic assumption, they infer that group rights, understood as the right of a group to maintain its features, are (or might be, in some circumstances) a priority over individual rights. In this view of multiculturalism, "ethnocultural groups are depicted in an essentialist fashion, as the primary source of meaning and identification for their individual members, and hence in need of protection"[738]. This view enters into conflict with the more progressive accounts of multiculturalism, which differ from the conservative accounts - as I further explore in the next part of the section - both in the non-essentialist conception of difference and in a more serious commitment to the traditional equality-difference dichotomy[739].

The second distinction refers to the difference between normative and political multiculturalism. The first one is about adapting liberal democracies to their intra and inter diversities by making compatible the principles of freedom, equality and democracy with the "recognition and accommodation of liberal ethnocultural minorities"[740]. In broad terms, liberal multiculturalists such as Kymlicka believe that "a liberal concern for autonomy requires a concern for people's cultural 'context of choice', and that this can generate a liberal argument for the adoption of minority rights that enable sub-state national groups to sustain their 'societal cultures', and that enable immigrant groups to have their identities accommodated"[741]. This normative or philosophical understanding of multiculturalism, not being the only multiculturalist view, is the most widespread, as the rest either address very local/specific cases or directly evolve to other forms of understanding/managing difference. What is relevant now is that, regardless of the gaps that this liberal multicultural view may have, it is often rejected on the basis not of its normative shortages but on the basis of the alleged failure of multicultural policies. In those cases, the critiques are mainly focused on dismantling "special legal regimes and return to a model of 'one society, one citizenship, and one law for all', often grounded on an unapologetic attempt of

[734] Kymlicka (2003) p.166
[735] Kymlicka (2007) p.159
[736] *Idem* p.160
[737] Uberoi (2015) p.513
[738] Torbisco (2016) p.8
[739] Hall (2000) p.235
[740] Kymlicka (2015) p.3
[741] *Idem* p.4

excluding certain identities from the public sphere"[742]. That is: while multiculturalist policies are aimed at addressing the claims raised by individuals regarding their belonging to certain cultural, national or religious collective sources of identity - which often requires granting these collectives special accommodation/recognition measures -, anti-multiculturalist rhetoric is constantly denouncing their failure. The political rhetoric that aims to push a backlash of multiculturalism is focused on the apparently negative consequences of multicultural policies, but as Torbisco argues, the fact that they are stated by leaders from countries where there has never been a truly multicultural policy - such as Germany or France[743] - shows that the underlying conflict is not based on policies. This does not in any way mean that multicultural policies are exempt from controversial consequences[744]. However, those consequences have little or nothing to do with the arguments raised by anti-cosmopolitan rhetoric. The underlying conflict, thus, has more to do with majority-minority dynamics, the conservative-progressive accounts of multiculturalism we may endorse or even our understanding of democracy, power distribution and citizenship. Moreover, the lack of systematic real evaluation of multiculturalist policies does not help overcome the fake-debate[745].

Finally, the third distinction refers to the contextual and universal understanding of multiculturalism. Some practices that aimed to foster multicultural policies were mainly based on western approaches cloaked as universal principles. Kymlicka himself has a critical standpoint towards the allegedly multicultural requirements that the European Union posed to the accession of post-Communist countries. In his view, those measures did not address the actual ethnocultural tensions at the region but the fears and prejudices of western leaders[746]. In this sense, although the very basic principles of philosophical multiculturalism might have universal aspirations, in "both theoretical and policy discourses, multiculturalism means different things in different places"[747]. Taken one step further - and in connection with the next part -, we may follow Weinstock by affirming that "Multiculturalism, far from constituting a distinct political philosophy or ideology, is best thought of as resulting from the application of core liberal principles to circumstances of cultural diversity"[748].

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[742] Torbisco (2016) p.22

[743] "The impact of such strategically oriented political rhetoric might explain why, somehow paradoxically, the hostility against multiculturalism has even been proclaimed by heads of state in Germany and France, two countries where, in actual fact, the multiculturalist model has even been adopted. Yet German Chancellor Angela Merkel and former French President Nicholas Sarkozy went on to proclaim the death of multiculturalism, in an attempt to please the rising number of conservatives within their own parties and to counteract, especially in the French case, the growing popular support of extreme anti-immigration parties" [Torbisco (2016) p.21]

[744] "There is a conundrum here, which Ayelet Shachar defines as a 'paradox of multicultural vulnerability' whereby well-intentioned efforts aimed at enhancing group autonomy and mitigating inter-group power inequalities can easily lead to reinforcing intra-group hierarchies and aggravating the subordination of vulnerable groups" [Torbisco (2016) p.18]

[745] Kymlicka (2015) p.6

[746] Kymlicka (2002) p.2

[747] Meer & Modood (2012) p.179

[748] Weinstock (2014) pp.173-187

Is Multiculturalism bad for Cosmopolitanism?

My answer will be that, mainly, it does not depends as much on the way Beck depicts the alleged essentialist trends of multiculturalism but on its actual application. If we follow the first path, the one depicted by Beck, there are two main elements that he rejects: the territorially framed understanding of collective sources of identity and the nationalist grounds of the multicultural understanding of diversity. On the former, I think that the misunderstanding derives from the challenge that difference creates regarding the question of "whether cultural difference should be restricted to the private sphere or whether it should be publicly recognised and have a place in political life"[749]. The underlying concern is whether the public management of diversity will end-up making chronic traditions that clash with the cosmopolitanization of reality. In this sense, Kymlicka believes that, in fact, this criticism "make no effort to identify the differential effect that multiculturalism has on pre-existing dynamics of stereotyping (...) However, if we look at those few studies (...) they generally suggest that multiculturalism has been beneficial in terms of political participation, trust and social capital, prejudice, solidarity and psychological well-being"[750]. Many authors - Benhabibh, Habermas, Scheffler, Appiah, etc.[751] - have shown these concerns. But, as Kymlicka states, "unlike anti-multiculturalists, these theorists are not out simply to score points against multiculturalism, or to ridicule or caricature it. In many ways, their instincts are to sympathize with multiculturalists' struggles. And yet, they have all come to the conclusion that multiculturalism needs a radical overhaul, and in particular an overhaul of its essentialist tendencies"[752].

In order to duly address those similarly phrased but very diversely focused claims, Kymlicka differentiates between three types of essentialist critiques: Critiques of Multiculturalist Theories, Critiques of Multiculturalist Policies and Critiques of Multiculturalist Activists. On the first critique, the main concern is the definition of societal culture as imposing uniformity. Regarding these concerns, Kymlicka presents the case of Quebec's nationalism as a "paradigm case of liberal multiculturalism in action, resulting in greater *freedom within groups*, and greater *equality between groups*. And while we can see this analytically as two separate processes, it was seen by the actors involved as two sides of the same process - namely, building a more free, democratic and prosperous Quebecois nation"[753]. The key distinction, in Kymlicka's account, is that between external protections and internal restrictions: while the former are aimed at protecting the minority from domination, the latter are aimed at protecting the individual within the minority from domination. A position that, in Kymlicka's view, "was intended precisely to explain how it was possible for a minority society to seek minority rights while disavowing any desire to enforce traditional lifestyles, and instead to dramatically liberalize and transform itself through the exercise of individual autonomy"[754]. In the end, what is at stake is the distinction between culture and politics. While the critics believe we may only focus on the political dimension of the claims that a minority may raise, Kymlicka believes that in most liberal democracies both

[749] Howarth & Andreouli (2012) p.3
[750] Kymlicka (2015) p.7
[751] *Idem* p.8
[752] *Idem* p.9
[753] *Idem* pp.10-11
[754] Kymlicka (2015) p.11

dimensions come together, particularly in the case of successful accommodation of sub-state nations[755]. Separating them due to a sort of "fetishist dislike of culturalist motivations"[756] seems to him implausible - as it will imply, in practice, denying internal self-determination to all national collectives in the world – and unfair - as it will only favour state-settled groups.

The second and third critiques are less relevant for the case at stake here. Nevertheless, although Beck does not clearly position his critique within any of the three perspectives, I would say that his main concerns are focused on how multiculturalism frames difference theoretically. Still, once again his critique is so vague/ambiguous that it does not define which multicultural understanding of difference he is addressing. However, before explicitly analysing the nuances of the multicultural understanding of difference and checking whether it is actually as incompatible with difference as Beck seems to suggest, let us briefly sketch-out the other two criticisms identified by Kymlicka. The first one, focused on the essentializing effect of multiculturalist policies, accepts that multicultural theories are not theoretically problematic but do essentialize difference in practice. This practice, Kymlicka argues, does not refer to 'formal laws' as such, but to the 'public discourse, or 'public ethos'. As he states, "in short, the problem seems to be with the 'way we talk' about multiculturalism in public life"[757]. Kymlicka's answer, while accepting such a public tendency to essentialize, is that "there is no evidence that public policies are generating the essentializing tendencies in the public ethos"[758]. The third critique, in turn, refers to the *intra-group* processes of essentialization resulting from the imposition of a specific understanding of the identity by the self-proclaimed leaders of the collective[759]. Kymlicka's answer, summarised, is as simple as it is effective: those intra-group pressures are 'as old as the Bible', while liberal multiculturalism 'arose in the 1960's'[760]. Therefore, if there is such a phenomena as group (formal or moral) pressure over individuals to assume an essentialized identity, this is precisely what multiculturalism aims to fight.

That is why either depicting or advocating for a 'backlash of multiculturalism' seems not an adequate position. Nevertheless, we cannot ignore that while societies depict cultures in essentialist terms (the case of Islam being the clearest one, as the 1% that commits crimes on behalf of Islam takes the representation of the whole group), this has nothing or little to do with multiculturalism, either as a normative guide or as a concrete policy. On the contrary, this is often the result of using multiculturalism as the target of right-wing, exclusive nationalist or anti-cosmopolitan claims, in other words, of "pathological fears"[761]. Still, there is some ground to consider whether Kymlicka's understanding of multiculturalism as compatible with - and somehow consubstantial to -

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[755] Although Kymlicka brings the argument to its logical consequences and asserts that if we do not accept sub-state nation's claims on the basis that they are grounded on cultural elements, we may therefore also consider unjustified the autonomy claims arising from members of dominant groups within the already exisiting states, as they also operate on culturalist motivations.

[756] Kymlicka (2015) p.14

[757] *Idem* p.16

[758] *Idem* p.17

[759] *Idem* p.18

[760] *Idem* p.19

[761] "The backlash against multiculturalism is typically depicted as the preserve of neo-conservatist movements at a time where politicians need to react to pathological social fears provoked by the escalation of terrorist acts in the name of Islam" [Torbisco (2016) p.15]

liberal nationalism is the problematic aspect to which Beck refers in his critique. That is, in my view, the critique of the nationalist patterns of multiculturalism. This controversy mainly refers to the liberal understanding of nationalism, although as Bhikhu Parekh notes, not all liberal nationalists are in favour of multiculturalism (and vice versa)[762]. The key element of the multiculturalism-liberal nationalism pack is that the nationalist principle considers, as I have showed in Chapter 3, that national identities provide people with a sense of community[763]. More specifically, a territorially settled political community that shares some common features (institutions, common language(s), values, norms or procedures) that will not be able to continue without those institutions. It is important to note that assuming this does not necessarily imply addressing the issue of identity from a majority-minority perspective. As with the case of the Flemish[764] - a majority within Belgium, but often under the rule of the French elite - as a minority nation shows, the label 'minority' and all the rights/concerns this implies within multicultural theories illustrates how the communities are defined in terms of power than in terms of numbers (nullifying the argument that addressing the fair claims of a minority by granting them a certain level of self-rule within a certain territory will necessarily imply creating a new perverse minority-majority relation).

The key distinction provided by Parekh is between the national identity of the community and the national identity of the individual (a distinction that liberal nationalism ignores[765]). That is, the distinction between the national identity of Spain, Catalonia, Canada or China and that of a Spaniard, Catalan, Canadian or Chinese person. In Parekh's view, the interaction and influence between both dimensions is reciprocal: both members shape the identity of political communities and political communities shape the identity of the individuals belonging to them. The key nuance he introduces is double: in the community's case, he believes that in order to conceive a political community as a nation, the community should have a limited level of diversity. In this sense, while "Britain is too diverse to be a nation (...) England, Scotland and Wales (...) *might* approximate more closely than Britain to how Parekh conceives of nations"[766]. However, and this is the second approach, regardless of how valuable national identity might be for an individual - even in the case of 'global citizens or workers'[767] -, this national dimension of identity is one dimension among many other 'sexual, religious, class, etc.' dimensions of identity[768].

The problem of not distinguishing both dimensions, Parekh argues, is that liberal nationalists "are not always thinking about 'thin' and accommodating cultures and often have 'thick' and somewhat unaccommodating cultures in mind. Despite their claims, then, liberal nationalists do not always themselves think that a nation's culture can and should be 'thin' and accommodating thus it is unclear why we should think this either"[769]. While I do share the concern raised by Uberoi regarding the liberal nationalist understanding of multiculturalism (concerns that I will address further in Chapter 5 - Section III), I hold that Kymlicka's answers to the essentialist critiques show that these

[762] Uberoi (2015) p.511
[763] *Idem* p.513
[764] Kymlicka (2008) p.8
[765] Uberoi (2015) p.514
[766] *Idem* p.516
[767] *Idem* p.518
[768] *Idem* p.515
[769] *Idem* p.517

concerns only refer to multicultural policies and not that much to normative multiculturalism. Moreover, I am also aware that these critiques are framed within the multiculturalism-interculturalism debates[770], but given that Beck is not referring to the latter, this debate falls beyond the scope of this thesis.

Instead, my main concern is to show that the way Beck describes a negatively cosmopolitan understanding of difference - i.e., as in opposition to multicultural understanding of difference - is not well-grounded. This in no way means that the debate is over, but that when applying Beck's cosmopolitanism, we should address difference in a much more analytically sophisticated way in order to grasp its full complexity. The main lesson that we may learn from Beck's view, in this sense, mainly refers to the need of building a critical or reflexive multiculturalism as the normative ground to describe how cosmopolitan nations should manage diversity. Little wonder, even if we may have strong convictions on some issues - mainly (or including) global risks and fundamental concerns of social justice, we express and experience them in very diverse ways. Origin and nationality do have an impact in this sense, as do gender, functional/cognitive capacities, social class, language or institutional affiliation as the main collective sources of identity. Those are combined in very diverse ways in each individual. But there are still some minimum patterns: Basque citizens vote in the Basque Country's institutions. They do so among many other institutions. However, not all those cases generate a sense of belonging (the sense of being Basque, following Parekh's view) that we may conceive of as belonging to a nation. Moreover, within the same institutional framework, there might be - and often are - individuals who share those institutions without sharing the same sense of belonging. In fragmented polities, these belongings overlap: a citizen voting for Basque, Spanish and European institutions may consider the Basque institutional frame as the one providing her a sense of national identity while another citizen may sense the same regarding Spain, Europe or some combination of them. However, acknowledging this fact - and subsequently debating the best way to accommodate it in institutional terms - does not necessarily imply assuming an anti-cosmopolitan essentialist view of political communities.

In all those cases, individuals join other individuals as a means to exert power to foster their identity-related interests. Beck is right that they do so both through political and sub-political means. However, he seems to undermine the role of national identities as a means to collectively foster national identity-related interests. These interests might not always be compatible with cosmopolitan understandings of identity but, unlike Beck, I argue that a nationalist movement that endorses a critical/reflective multiculturalist view is precisely that which fosters a cosmopolitan understanding of identity. This is particularly clear in the sub-state nation's political parties, where the 'national interests' are not as fostered as in the case of the nation-state. Therefore, while state level political and sub-political agents can most often afford the luxury of rejecting any form of

[770] Four conceptions of interculturalism: "First, as something greater than coexistence, in that interculturalism is allegedly more geared toward interaction and dialogue than multiculturalism. Second, that interculturalism is conceived as something less 'groupist' or more yielding of synthesis than multiculturalism. Third, that interculturalism is something more committed to a stronger sense of the whole, in terms of such things as societal cohesion and national citizenship. Finally, that where multiculturalism may be illiberal and relativistic, interculturalism is more likely to lead to criticism of illiberal cultural practices (as part of the process of intercultural dialogue)" [Meer & Modood (2012) p.177]

nationalism[771], sub-state political and sub-political movements usually need to assume certain level of nationalism (even if those political and sub-political agents may not consider themselves nationalists). In the end, critical/reflective multiculturalism would be more concerned with combining a wide consensus on a minimum standard of the public sphere within a political community with the diversity of collective sources of identity, including nations, within that community.

Ensuring that citizens understand the relevance of equality, for instance, could be a desirable goal. However, it implies assuming a position on matters that are politically controversial. Therefore, beyond the exception of human (and maybe animal[772]) rights protection - at least, as I argue in Chapter 4, when they are duly institutionalised - we may assume the plurality of views *both* within *and* between societies[773]. That is the standpoint of what I call critical multiculturalism: accepting that while we have good reasons to grant both national (individual) and the nation's (collective) identity, we need to think to conceive their performed unity with regard to their actual diversity either critically or reflexively. Otherwise, as Beck suggests, multiculturalism will lead to citizens advocating for essentializing (internally) and anti-cosmopolitan (externally) national politics. On the contrary, if we accept that nations are political communities (political facts, as described in Chapter 3), we may also accept that nationalist movements can also be the result of internally diverse bottom-up political and sub-political initiatives that decide how they want to order very basic issues of social life within the political community. Sharing minimum standards of cooperation, equal representation, equal status or equal opportunities is, in this sense, a basic source of community bonds. Not despite identity driven claims, but as a mean to articulate them. Of course there might be free-riders who reject this common basic standard that defines the playing-field within a political community. But that is not enough reason to reject multiculturalism, but to either political and socially reject or, if non-problematic (i.e., if not pure nationalists or universal cosmopolitans), reasonably accommodate those free-riders on the liberal margins of society. My point, then, is that nationalism, if combined with a critical multiculturalism that accepts the idea of communities within communities as a ground to build national citizenship[774], can in this sense constitute a powerful identity-based force to foster both the implementation and the upgrading of playing-field standards within a political community. That is precisely what I sketch out in the third and last section of this chapter: the idea of cosmopolitan nationalism.

[771] In this sense, I found that Parekh's comment regarding the inadequacy of speaking about a British nation is valid only insofar as British nationalism conceives of itself as a homogeneous political community. If, instead, British nationalism was about granting its internal diversity - national or otherwise, as in the case of London's mongrelisation process [Nava (2013) p.6] - by claiming its internal self-determination, then British nationalism referring to the British nation might not necessarily be problematic.

[772] About the speciecism/anti-speciecism debate, which I have not taken into account in this thesis in order to keep the debate within Beck's own terms, see http://www.animal-ethics.org/ for a thorough synthesis of the terms of the debate and key academic references.

[773] Pulcini (2013) p.14

[774] Uberoi (2015) p.512

Section III: The need to further explore the boundary-problem to build a strong cosmopolitan proposal

In this section, I first present the idea of cosmopolitan nations and nationalism compatible both with Beck's idea of 'global risk community' and with a critical/reflexive understanding of multiculturalism. Then I analyze Beck's idea of 'global risk community' as a means to renew democratic theory through the main understandings of the all-affected principle and the all-subjected principle. I conclude that the idea of transnational self-determination provides a more promising path to duly implement the idea of 'global risk community' in the principles of democratic decision-making in a cosmopolitanized world.

Cosmopolitan nations and nationalism

That is, then, the key point: if we accept critical multiculturalism (that is, an understanding of difference that not only rejects any form of essentialization but also advocates defining the playing-field within a political community on standard principles that may articulate the community considering those differences), then we may also agree that nations and nationalist views are not necessarily opposed to cosmopolitanism. Otherwise, considering multiculturalism in Beck's terms would imply ignoring "the normative dimension of a doctrine that emerges as part of the human rights movement and proposes a more inclusive model of democratic citizenship in order to confront group-based injustices"[775]. A normative dimension that can actually be fostered by nationalism: a nationalism promoted by both political and sub-political agents focused on building a cosmopolitan nation within a territory. In other words, this would be the premise of cosmopolitan nations and nationalism: "that the very same national identities that bind people deeply to their own particular national community and territory can also mobilize moral commitment to distant others, and that inculcating and affirming a sense of Swedishness or Canadianness among co-nationals can simultaneously inculcate and affirm a sense of global citizenship"[776]. 'Distant others' and, I add, 'close others' (as the idea of 'otherness', positively conceived, is not restricted to boundary issues). A view not only shared by multicultural authors as Kymlicka, who also accepts the normative grounds of liberal nationalism (which is not necessarily, as I have argued, compatible with critical or reflexive multiculturalism), but also by multicultural authors who oppose liberal nationalism[777]. The question then, is how to foster the realistic utopia of building a cosmopolitan democracy without falling in the dystopia of a homogeneous world exposed to imperialist threats[778].

The supranational integration process in Latin America, so far focused on building a common human rights regime, but also moving towards fostering further economic and political integration, shows, in that regard, a very compelling example of how normative multiculturalism can provide solid grounds to foster a truly cosmopolitan policy grounded on the national political community. The case of the Inter-American Court of

[775] Torbisco (2016) p.19
[776] Kymlicka & Walker (2013) p.6
[777] Uberoi (2015) p.512
[778] Kymlicka & Walker (2013) p.3

Human Rights recognising the validity of the Colombian standard of granting the rights of indigenous peoples, afro-descendants and other cultural minorities through mechanisms of prior and informed consultation and binding informed consent show a landmark case of empowering local cultural (or national) groups[779]. The case is particularly special both as it refers to a transnational issue in Latin American countries (both conceptually - as indigenous groups are an issue throughout the southern part of the American continent - and factually - as indigenous groups are not territorially settled following nationally defined borders -) as its solution has been fostered, or aims to be fostered, transnationally. As Mariola Morales states, this would be a case where a multicultural concern leads us to "explore how other national courts are adopting the standards of the Inter-American system, which essentially represents the basis of the Ius Constitutionale Commune in human rights and is developed jurisprudentially'"[780]. That is, the shared multicultural concerns force as to cooperate *both* within *and* beyond the nation-state borders.

I am not arguing, however, in favour of a strong understanding of rooted-cosmopolitanism that assumes that national attachments are the actual source of cosmopolitan concerns (either in terms of close dynamics generating the necessary concepts, virtues and practices required to build a cosmopolitan regime or in terms of providing the necessary motivation to individuals)[781]. I consider this a misconception of cosmopolitan nations in, at least, three senses: first as it somehow assumes that close attachments are experienced individually in the same terms and therefore will produce the same effects on the members of the community (which is constantly proven wrong empirically). Second, as it assumes that individuals who internalize certain values within the domestic realm will necessarily apply those same values beyond the domestic sphere. Third, and most importantly, as it ignores the empirical fact that there are individuals with a truly (i.e., not fake, as in the case of those who are not cosmopolitans but just happen to belong to the majority and therefore consider themselves and the rules they foster as 'neutral'[782]) cosmopolitan identity who also assume cosmopolitan principles. In this sense, the idea of cosmopolitan nations that I point out, with the underlying basic principle of critical or reflexive multiculturalism, is not that focused on the individual's ability to interiorise cosmopolitan concerns through national belonging, but on the institutional dimension of the community. This does not imply rejecting any possibility of reciprocal shaping between individuals (either as citizens or as sub-political agents) and institutions (either political or sub-political), but accepting that a cosmopolitan nation is not dependant on that contingent matter.

As Daniel Innerarity argues, such a view will not allow us to build a narrative of the common goods - and the principles that define the playing-field, I add - such as the ones fostered by critical multiculturalism. Moreover, it may even end up promoting essentializing patterns incompatible with a cosmopolitan project[783]. Instead, a cosmopolitan nationalism is that which holds that the institutions of the political community should be hospitable towards difference[784] - meaning that they should

[779] Herrera (2017)
[780] As cited in Herrera (2017) p.24
[781] Kymlicka & Walker (2013) p.4
[782] Innerarity (2015) p.67
[783] *Idem* p.65
[784] *Idem* p.73

promote individual liberties by respecting plurality[785] - while also addressing "*interdependence* of events which makes all sectoral and partial viewpoints obsolete"[786]. It might be the case that, as Elena Pulcini asserts, the *emotional* experience of global risks in the local dimension will make citizens realize the need to endorse a cosmopolitan view[787], with all its normative implications in terms of community building. However, if we aim to pursue those emotionally motivated cosmopolitan goals, we may *both* need to internally articulate our diverse understandings of global risks (as well as, mainly, the ways of tackling them) *and* externally promote "the democratic value of the collective governance of nations and cultural communities, and creating democratic models that incorportate self-dertermining constituent autonomous communities with recognized rights for effective collective representation"[788].

In this sense, following Pulcini's account of the community in a globalized world[789], a cosmopolitan nationalism would be that which combines the traditional understanding of belonging (although critically/reflectively reconsidered permanently) and the social contract that aims to ensure the possibility of fostering individual (and collective, I add) interests. In other words, "the meaning of community as 'being-in-common' allows us to rehabilitate it as an inescapable and constitutive dimension of the social, without nevertheless identifying it with a single and absolute 'local' belonging (whether this be ethnic, religious, cultural or sexual)"[790]. The key element, thus, would be to understand that following Beck's idea of cosmopolitan communities, the social can no longer be restricted to the boundaries of the nation, as the threat of global risks de facto generate individual interests (avoiding global risks and lowering their impact once they are materialized) beyond the national borders. A global-local coexistence "which does not mean opposition, but co-belonging, reciprocally entailing two opposing and complementary realities"[791]. However, as opposed to Beck, I do not think that a multicultural view of the local and the global, if critically understood (as authors such as Kymlicka, Parekh or Torbisco do), is incompatible with this view. Instead, it provides a normative guide to build communities capable of that co-belonging. A goal that, also in opposition to Beck's suggestion, cannot be achieved, as I have argued, from the mere articulation of municipal communities of risk (as a way of conceiving the 'locality' of the 'glocal') and the "the abstract and formal space of societal juridical-political relations which guarantee autonomy and individual rights"[792]. In sum, and this will be the last part of the chapter, I hold that Beck's goal of opening democracy and democratic institutions to the interests of those who, in traditional terms, do not belong to the community is a necessary goal. However, it should not be addressed in postnationalist and counter-multicultural terms, but by transforming democratic principles - also and mainly framed nationally, that is, as national demois. The problem, then, is once again that Beck does not provide a systematic explanation of how this goal should be achieved.

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[785] Innerarity (2015) p.71
[786] Pulcini (2013) p.1
[787] *Idem* p.12
[788] *Idem* p.78
[789] *Idem* p.45
[790] *Idem* p.46
[791] *Idem* p.41
[792] *Idem* p.51

The limits of the all-affected principle

Before exploring how Beck conceives the articulation of a global order where 'national interests' are actually 'global interests' (the era of internal foreign politics, as Beck suggests), we should briefly analyse whether the ambition of building 'communities of global risks' is as feasible as he argues. So far, I have focused on proving that this ambition is not intrinsically incompatible with defending nationally framed democracies where difference is conceived in critical/reflexive multicultural terms. The relationship, then, of difference and democratic enfranchisement within a given political community is not necessarily in conflict. Now I may briefly show the main attempts to articulate such an ambition in democratic terms. Nevertheless, even those who advocate, from a cosmopolitan perspective, for a principle that includes the interests of those beyond the national community on the national decision-making process, while agreeing on the effect this may have on national political boundaries, agree that still "most issues should remain to be decided at regional, national or local levels"[793].

The ambition, then, resides in defining some principle that may include those other on the democratic self-government of a given demos beyond the assumptions - basic institutions - that define politics globally[794]. Those authors address this ambition from two main perspectives: the advocates of the all-affected principle and the advocates of a wide understanding of the all-subjected principle. Before analysing these views, it is fair to mention that there are other authors that, on a Habermasian vein, advocate for a discourse principle stating that "an action norm is valid only if it could be accepted by all affected in a rational discourse"[795]. However, any attempt at engaging the globally affected within the process of deliberation faces the spatial (institutional frameworks), material (the people most affected are the ones with less 'voice') and temporal (future generations) barrier that make the ambition almost unfeasible. In this sense, I hold that the proponents of the all-affected and wide understanding of the all-subjected principles reflect more accurately Beck's realistic ambition: to move beyond the idea of "constituting a demos on the basis of shared territory or history or nationality is thus only an approximation of constituting it on the basis of what really matters, which is interlinked interests"[796]

If we focus on the first account, the all-affected principle has been expressed in several ways. The original one was expressed by Robert Dahl back in 1990: "everyone who is affected by the decisions of a government should have the right to participate in that government"[797]. However, the key author who refreshed the debate was Robert Goodin with his understanding of the principle as claiming that a proper democracy "will have to give a say to anyone who might possibly be affected by any possible decision arising out of any possible agenda"[798]. In this sense, Goodin adds a expansive possibilistic understanding[799] to Dahl's original proposal where we may not only include those who are actually affected but also those who may potentially be affected. The problem with

[793] Lagerspetz (2015) p.7
[794] Goodin (2016) p.367
[795] Lagerspetz (2015) p.8
[796] Goodin (2007) p.50
[797] Dahl (1990) p.64
[798] Goodin (2007) p.55
[799] *Idem* p.63

Goodin's view is that it faces too many critiques in terms of feasibility as, taking the expansive and possibilistic dynamics to their last logical consequences, everyone would have a say on the decisions taken anywhere in the world[800]. One of the most recent and accurate versions of the principle, still, is the one provided by Eerik Lagerspetz: "All competent adults should have an equal right to participate in decision-making if and only if their interests are likely to be in a significant way affected by the decisions"[801]. Even if this principle is still subjected to several critics, as the debate keeps being open, it addresses some of the main problematic elements faced by the all-affected principle that Beck evades in his work:

- The causality problem of non-biological risks: even if we tend to assume that natural catastrophes affect individuals in a 'causally' traceable way, that is not actually what happens in real life where "people may be affected in very different ways, and most of them are potentially relevant for the application of the principle"[802]. Therefore, if we still accept that we can define 'those who are affected' in the cases of natural catastrophes, nothing should stop us from finding the adequate means to define those who are affected by other sources of harm, such as decisions taken by a country.
- The problem of defining harm: the key issue is not to differentiate actual harm from "external preferences (...) and trivial harms while not lapsing into a paternalistic version of objectivism"[803]. It could be said that in this regard Beck does provide a non-paternalistic proposal of objective harm (his definition of global risk has this ambition). However, given that his most thorough analysis of risks refers to climate change, I am not in a position to assert whether his account would also be applicable to other sort of less material or obviously harmful risks.
- The problem of limited self-government: the paradox of the all-affected principle, its dark side, is that it only provides enfranchisement for those who are affected[804]. However, as I have been arguing since Chapter 3, there is an instrumental value on granting self-government - understood as internal self-determination - to the national political communities. Therefore, following the same logic, it would sound reasonable to hold that those who are actually affected are the ones deciding the matters that actually affect them.
- All-affected and the principle of non-territoriality: however, connected with the previous point, if the only relevant principle for democracy was that stated by the all-affected, then the principle of territoriality would be irrelevant. Nevertheless, the more individuals are enfranchised in an institutional framework the more possibilities to include the affected ones in decision making[805]. However, this supposition ignores the fact that in real life people do have territorially-rooted interests and preferences that want to be decided by institutions within those territories.

Beyond this non-exhaustive list of unsolved issues, it is important to note two elements that Lagerspetz's interpretation of the all-affected principle highlights: first, that "It

[800] Lagerspetz (2015) p.13
[801] *Idem* p.9
[802] *Idem* p.10
[803] *Idem* p.11
[804] *Idem* p.14
[805] *Idem* p.15

should not be taken as granted that the All-Affected Principle is already (with some exceptions) consistently applied *within* modern democracies, and that the only question is how to extend its application to transnational or global contexts"[806]. It is important to note this insofar as, according to Innerarity[807], we tend to assume as valid the mirage that national institutions accomplish some goals that they do not, in fact, necessarily achieve, much less in an interdependent world[808]. Second, that "the underlying idea of democracy is *not* just that people should have an equal opportunity to advance and protect their interests politically"[809]. Democracy may also refer to the promotion of some deeper values and dynamics (civility, cooperation, solidarity, equality) that are not presupposed but fostered by democratic procedures themselves.

That is precisely where the other principle of democracy that connects with Beck's idea of the risk community makes its contribution: the wide understanding of the all-subjected principle. The traditional understanding of the all-subjected principles claims that "all persons subject to a government's dominion should be able to participate in decision-making"[810]. In this sense, the traditional or thick understanding of the all-subjected principle, as it presupposes the existence of the state and its laws, is in direct conflict with the cosmopolitan purpose underlined in Beck's theory. However, this assumption is challenged by Goodin's wider understanding of the concept[811], where, instead of proposing his former alternative of the all-affected principle, he modifies the all-subjected principle from within. His critique mainly rises from the fact that every state applies their rules not only to people in their own territory and to their own citizens abroad, but also "their jurisdictional claims often extend beyond those first two, in various ways that render non-resident non-nationals subject to their laws"[812]. That is particularly the case, he argues, in the case of legislation that protects citizens of a given state against crimes that they may suffer abroad and also the - mainly counter-terrorist - legislation that aims to protect the given state itself[813]. In this sense, the logic underlying the all-subjected principle should necessarily lead to non-citizens being enfranchised to have a say on those legislations to which they are actually subject. This will not mean that non-citizens - following his wide understanding of the all-subjected principle - are enfranchised to have a say on all the matters of the given state. However, Goodin argues that as enfranchisement is not an all-or-nothing affair, "it is perfectly possible to be given a right to vote on some things but not on others"[814]. A view that, as I will further develop in Chapter 5, is clearly proven in the case of the European Union.

In any case, and to conclude, the key issue here would be that even if Beck's claim to push democratic decision-making to consider what he describes as 'global communities of risk' or 'global risk communities', his proposal lacks the necessary development to be actually implemented. Even less as a solid alternative to the nationality principle that, as argued, not only is not necessarily incompatible with the cosmopolitanization of societies (critical/reflexive multiculturalism) but also as can actually protect the interests

[806] Lagerspetz (2015) p.16
[807] Innerarity (2015) p.1
[808] I will come back to this in Chapter 5
[809] Lagerspetz (2015) pp.18-19
[810] *Idem* pp.8-9
[811] Goodin (2016) p.368
[812] *Idem* pp.373-374
[813] *Idem* p.377
[814] *Idem* p.384

beyond the national boundaries (cosmopolitan nations and nationalism). What he does in fact provide is a solid justification to break with the argument that "we need a pre-institutional starting point"[815], understood as something given, absolute, self-contained and untouchable. In this sense, as I will explore in Chapter 5, I found much more appealing Daniel Innerarity's proposal to implement the 'global risks communities' in democratic decision making: the idea of transnational self-determination. That is, the idea that "self-determination means today, under the current conditions, accepting the effects that the decisions of other nation-states have on us insofar as we have had the chance of making our interests heard in their decision making processes and, reversely, be ready to convert other citizenships into subjects of our own decisions"[816]. It is not, then, a matter of setting aside the nationality principle and necessarily breaking with the status-quo (although, as opposed to first modernity, that is always a possibility), but about the duty of any democratic government to somehow take foreign interests into account as if they were national interests[817]. That is precisely what I will address in Chapter 5: how Beck's proposal aims to re-shape the transnational organisation departing from this claim - although also departing from the normative elements reviewed in Chapters 3 and 4 - and what alternative views better foster his cosmopolitan ambitions.

[815] Lagerspetz (2015) p.19
[816] Innerarity (2017) p.328
[817] Lagerspetz (2015) p.20

5. COSMOPOLITAN EMPIRE

So far I have introduced three fundamental normative nuances to Beck's cosmpolitan proposal:

1. That national secularism would be a requirement in a cosmopolitan regime if and only if those nations were exclusive, homogenizing and hegemonic. However, given that nations, understood as political facts, do not match *per se* with those descriptive features, national institutionalization is not necessarily problematic. Moreover, there are good reasons to believe that nations can be positive sources of politicisation and well-being.
2. That the principle of nationality is not incompatible with a non-essentialist view of diversity. Moreover, it is precisely critical/reflexive multiculturalism which justifies the principle of nationality as a mean to foster diversity.
3. That the principle of nationality is not incompatible with a cosmopolitan understanding of national interests and democratic decision-making. That is, that the principle of nationality, if expressed in cosmopolitan terms, is compatible with considering the interests of a 'global risk community', that is, the interests of those beyond national boundaries.

The question, then, is how we subsequently articulate the international order. Beck's proposal is that of a Cosmopolitan Empire, which is mainly focused on the European case. That is what I will address in this chapter. The focus, in this case, is on how to articulate institutional frameworks capable of dealing with global risks in contexts of territorially concentrated diversities such as the European Union (EU). In other words, if we follow Cheneval's assumption that "a *dêmos* is a group of human individuals engaged in generally binding collective action through common institutional practices"[818], how do we foster that collective action in Europe? This inquiry has two distinct but connected dimensions: (1) how do distinct societies engage to pursue common interests and (2) what institutional framework best suits that goal? In a way, this distinction follows Beck's synchronic understanding of diversity: how we articulate a cosmopolitan institutional framework *both* from the national *and* the transnational perspective. This question is particularly relevant in Europe, where the normative aspirations of cosmopolitanism join with the empirical reality of integration, particularly since 1986[819].

The first inquiry connects directly with the debate about opening democracies that I briefly addressed in Chapter 4 Section 3: the boundary problem. Nevertheless, due to the levels of interdependencies at stake, any attempt to promote a cosmopolitan project in Europe should somehow implement that ambition. The alternative of maintaining the traditional closed understanding of national interests is no longer operative. However, as Joseph Lacey rightly states, "we cannot discount the large role played by individuals and organizations who, through the democratic process, pursue their own self-interest at the expense of others and against the grain of better arguments"[820]. The novelty, according to Beck, is that it is not a matter of normative conviction or the force of the best argument which moves individuals to endorse a wider understanding of self-interest (that includes the interests of others), but the need to avoid the global risks we

[818] Cheneval (2011) p.57

[819] Lacey (2017) p.81

[820] *Idem* p.23

share with those others. This is particularly true in the case of the EU, where both a voting and a public sphere are being constructed as a means to build a European democracy[821]. However, this does not mean a complete deterritorialization of democracy but describing how "democratic deliberation and decision making can be embedded in legitimate procedures enacted by formally separate *dêmoi*"[822]. That is then the key inquiry: defining the principles that should rule the interaction between political communities where individuals pursue "his or her conception of the good and plan of life"[823] in a context of political, cultural, social and economic interdependence.

The other side of the same coin would be, once political communities assume principles of political integration, how should power be exerted within that polity in order to foster cosmopolitan goals? The traditional answer in state level institutions is federalism, understood as "the institutional articulation of territorial unity and diversity by means of political pact with compound polities"[824]. In the case of the EU, those who advocate for cosmopolitan principles tend to conceive of the federal view as an adequate model: just as federations manage to implement principles of the division of powers or procedural justice, autonomy and equity or distributive justice in fragmented polities, federal views about the EU aim to do so at the European level. In a way, the federal understanding of the EU replicates the balance between states and the stateless nationalism that federalism aims to articulate[825]. However appealing this view might be from a normative perspective, I agree with Lacey's concern that attempts to understand the EU from already existing state level categories do not provide an adequate answer[826]. This is so precisely as the EU, regardless of its various federal features[827], maintained the member state's central role as treaty signers, a feature that is not found in classical forms of federal integration. In the same way, as we shall see in the attempts to understand the EU as a regional state (i.e., as an institution that meets the organising and power/resource/competence distributing patterns of a sub-state union)[828]: they provide fruitful elements to normative discussions about the EU and the integration process, but tend to clash with its actual descriptive features.

The problem, in the case of the European integration process, thus, is that institutional design and normative debates progress, despite the contingent ups and downs, on a separate path from the actual patterns of socio-political integration. As Peter Maid rightly illustrated[829], while political debates about EU integration are held at European institutions, the forums where the transformation could actually be achieved keeps being the nation-states (nations, I add) within the EU. Therefore, the integration process as such is not, from this perspective, a common frame of politicization. Still, alternative views suggest that "there has been significant evidence of discursive participation and mobilization on European issues since the late 1980s. This trend appears to have continued with the increasing politicization of EU politics. In part, this may be put down to recent controversial treaty reforms, the management of the euro crisis since 2008, and

[821] Lacey (2017) p.26
[822] Cheneval (2011) p.58
[823] Lacey (2017) pp.34-35
[824] Moreno (2012) p.185
[825] *Idem* p.187
[826] Lacey (2017) p.87
[827] *Idem* p.88
[828] *Idem* p.90
[829] Mair (2013) pp.109-110

the pan-European fascination with the referendum on British withdrawal from the EU and its aftermath"[830]. However, even these second accounts accept that there is no such a thing as a state-like European demos. Subsequently, the cosmopolitan need to articulate the above mentioned national and European frameworks still persists.

In this chapter I will explore Beck's proposal to arrange that enterprise: the idea of a cosmopolitan empire. While I will keep the analysis empirically within the framework of the European integration process (as that is Beck's framework), I do also refer to non-European experiences as a basis for normative considerations. In Section I, I first introduce the key background normative assumptions of Beck's political cosmopolitanism, that is, his broad understanding of sovereignty, integration, cooperation and national interests. Then I continue by explaining the key normative and descriptive features of his proposal of a European Cosmopolitan Empire. In Section II, I first address the main problematic features of the 'Empire' proposal: its lack of concretion regarding the way (1) democracy and (2) sovereignty will actually work transnationally and (3) the problematic connotations (and features) of the Empire. Then I introduce what I consider the most solid account of European integration with a cosmopolitan intent: the theory of european demoi-cracy (particularly in Kalypso Nicolaïdis's understanding). I will argue that this is the proposal that best manages to solve the equilibrium of both elements on Beck's synchronic understanding of cosmopolitanism. In Section III, finally, I come back to the normative assessment of nations and nationalism that I initiated in Chapters 3 and 4 in order to keep advancing how they should operate in contexts of political integration such as the EU. To do so, I will first review the understanding of trust and common bonds defended by liberal nationalism as the one that has showed a clearest ambition of combining both dimensions. I will argue that Beck provides adequate tools to rethink those nationalist principles and build a stronger case of cosmopolitan nationalism. I will also argue that in the case of the European Union - and, actually, in the case of any supranational shared institutional framework, in this case including federal frameworks, individuals can recognise themselves as part of the union without necessarily identifying themselves with the union[831]. I conclude the chapter by referring to a particular - although very controversial - debate regarding the equilibrium between unity and diversity: the case of the scope of fiscal distribution.

[830] Lacey (2017) pp.94-95

[831] *Idem* p.94

Section I: The proposal of a European Cosmopolitan Empire

In this section, I first analyse the main descriptive features of Beck's description of international relations in a globalised world. Then I introduce the idea of a European Cosmopolitan Empire as Beck's proposal to build a community of global risks in the European realm.

The cosmopolitanization of international relations

Having explained Beck's understanding of nationalism and community building, in what follows, I explain how Beck conceives an alternative cosmopolitan order capable of overcoming the unfair and ineffective[832] nation-state order. In order to avoid the temptation of a despotic cosmopolitanism as a mean to perpetuate relations of domination[833], Beck argues that any cosmopolitan understanding of the global order should assume that "the principles of legality, democracy, etc., that apply within nation-states cannot be transferred directly to relations between states. The national presupposes the international and vice versa"[834]. Moreover, it is important to note that this connection between the national and the international (or global) is not a voluntary move done by the nation-states, but the forced result of global risks that led to the collapse of the nation-state[835]: either they become cosmopolitan or continue to be accomplices in the rise of global risks[836], eluding their very fundamental goal of granting security to their citizens[837]. The aspiration of maintaining the nation-state as the pillar of the global order while global risks keep occurring transnationally leads to a perverse consequence: nation-states are forced to deal with the negative consequences of globalization[838]. That is precisely why Beck proposes an alternative vis-à-vis the nation state order: the realistic utopia[839] of transnational states[840] based on the principles of shared sovereignty and cooperation[841]. An international order that, as I will now develop, breaks with the friend-enemy dynamic with the shared goal of saving the world from the risks generated within modernity[842]. Instead, the alternative order is based on

[832] Beck, U. (2002), p.63
[833] Beck, U. (2004a) p.154
[834] *Idem* p.28
[835] Beck, U. (1999), p.17; Beck (2004) p.274
[836] Beck, U. (2007), pp.85-86
[837] *Idem* p.117
[838] Beck, U. (1997) p.139; Beck, U. (2002), p.273
[839] Beck, U. (1997) p.153
[840] Actually, once again, it is not clear whether he rejects the national character of the state, not the state itself, which just becomes transnational [Beck, U. (1997) p.155] or whether he also conceives the maintenance of their national character [Beck, U. (1997) p.148]. In Chapters 3 and 4, I explored the implications of positions in Beck that move in between postnational and postnationalist views for the individuals who value their national belonging in terms of political empowerment. I will not address this issue again in this Chapter, where I instead focus on national-national and national-transnational interactions (although I may refer to nation-states in order to reproduce Beck's terminological framework). However, I do find it important to note that Beck advocates for the persistence of the 'state' as a concept, ignoring their intrinsic national dimension.
[841] Beck, U. (2007), p.68
[842] Beck, U. (1999), p.64

win-win relations based on the assumption that joining other nation-states to tackle global risks is mutually beneficial (instead of the traditional zero-sum dynamic that rules the global order)[843].

The first key concept that is transformed within this alternative paradigm is that of sovereignty. Little wonder, according to Beck's description of Second Modernity's paradigm change, the paradox of sovereignty operates as follows: transnational cooperation or loss of national sovereignty[844]. That is: if the state's aim is to keep being sovereign, they should cooperate. The basic statist goals of protecting civil rights and democracy for a given population can only be granted, according to Beck, by engaging globally[845]. Following this logic, sharing sovereignty, that is to say, giving up sovereignty[846], leads to a gain of political power. It is important to distinguish, in this regard, between formal sovereignty (autonomy, in Beck's words) and actual sovereignty (sovereignty, in Beck's words)[847]. As Sørensen & Christiansen state, according to Beck "phasing out national autonomy does not automatically lead to national loss of sovereignty. In fact, quite the opposite happens. It is exactly Beck's argument that a decrease in national autonomy might very well lead to a growth or increase in national sovereignty"[848]. In this sense, the idea of shared sovereignty differs from the idea of reciprocal nationalism, where formal sovereignty is maintained with the promise of cooperation: according to Beck, this view, in contrast to his understanding of sovereignty in a cosmopolitanized world, only works when there are no immediate threats to deal with[849]. That is why his alternative not only advocates for integration, but it does so by questioning the nation-state's independence[850], which is replaced by a pooling of sovereignties[851]. Otherwise, the risk of new hegemonic forces is too high: "We do not know which is more dangerous, the eclipse of the world of sovereign subjects of international law who have long since lost their innocence, or the murky complex of supranational institutions and organizations which operate globally but remain dependent on the good will of powerful states and alliances"[852].

The second concept that we may review as part of Beck's proposal is that of cosmopolitan legitimacy. According to his account, the monopolistic understanding of legitimate state-power is no longer operative[853]. This desligitimation trap resulting from the politics based on the national view[854] leads to the legitimacy paradox of cosmopolitanization: while sub-political agents operating transnationally gain legitimacy, nation-states (aim to) keep power but increasingly lose legitimacy[855]. Still,

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[843] Beck, U. (2002), p.295

[844] Beck, U. (1997) p.156

[845] Beck, U. (2002), p.296

[846] Beck, U. (1997) p.190

[847] A distinction that resembles the internal-external self-determination distinction, although as I explain in Chapter 6 Section III, I find this distinction more accurate than Beck's alternative, as it more clearly shows that the problem is the 'state veil' linked to the concept of sovereignty.

[848] Sørensen & Christiansen (2013) p.70

[849] Beck (2011) p.91

[850] Beck, U. (2002), p.297

[851] Beck (2004) p.120

[852] Beck, U. (2004a) p.121

[853] Beck, U. (1995), p.148

[854] Beck, U. (2002), p.294

[855] *Idem* p.122

Beck does not provide a solid account of legitimacy. He seems more devoted to bringing to the surface the weaknesses of the traditional statist account of legitimacy and the subsequent state of permanent emergency in which they end up[856]. The only transversal concrete element in his understanding of legitimacy is the reference to human rights[857]. Apart from this specific element, it seems that Beck more or less explicitly[858] believes that nation-state legitimacy operates following Kant's republican understanding of global order: the state's legitimacy depends, mainly, on its ability to ensure the autonomy of its citizens. Given that global risks are in fundamental opposition with that goal, it will be the republican logic itself which will foster legitimate supranational integration. That is to say, it is not that nation-state legitimacy is being suppressed, but, on the contrary, international legitimacy is the result of the legitimate efforts of nation-states' to counter global risks.

This dynamic (reflexive) understanding of sovereignty and legitimacy is what Beck refers to as the metagame of international relations. According to this view, in the global risks society, we cannot take it for granted that state power is self-evident, that it is not subject to global forces or interdependencies (economic and political) beyond its scope[859]. The fundamental transformation resulting from this new dynamic is that politics do not deal with violence - as they did in Carl Schmitt's account -, which becomes more and more inefficient, but with power[860]. Moreover, Beck recognizes that the common reaction of the states regarding this new dynamics is what he calls the neoliberal transformation of the state: the state, in this view, becomes a tool at the service of global economic interests[861]. Rethinking the state in the light of this new dynamics is the basis of what Beck calls the New Critical Theory with a cosmopolitan intent[862]. The main goal of this critical theory is to enquire the dilemmas, contradictions and unexpected and involuntary consequences of a cosmopolitanizing modernity that opens spaces and strategies that the national view closes[863]. The consequence of the meta games is that "the units of 'international relations' - the fetish concepts of 'state' and 'nation' - are being hollowed out"[864].

However, his approach does not stop with the hollowing out of the nation-state (implying a sort of postmodern view of politics[865]), but on its transformation based on objective needs caused by global risks: "the concept of 'interconectedness' breaks with methodological nationalism by promoting the conceptual disclosure and empirical elucidation of the growing interconnectedness and interdependence of national spaces. Nevertheless, it remains bound to methodological nationalism insofar as it continues to assume territorial state units and national societies as its point of departure"[866]. Instead, he argues, social sciences in general and international relations in particular have to analyze the fundamental concepts of modernity (class, state, public opinion, domestic

[856] Beck, U. (2007), p.116
[857] Beck, U. (2002), p.42
[858] Beck & Beck-Gernsheim (2003) pp.314-320
[859] Beck (2002) p.26
[860] Beck, U. (2002), p.100
[861] *Idem* p.45
[862] *Idem* p.302
[863] *Idem* p.65
[864] Beck, U. (2004a) p.37
[865] Beck, U. (2002), p.87
[866] Beck, U. (2004a) p.79

administration, family, etc.) beyond the national outlook[867]. Otherwise social sciences will not be able to grasp the new power dynamics of global governance: the complex interactions between states, epistemic communities, transnational NGOs and supranational institutions, among other actors[868]. Little wonder, given the unavoidable impact of global risks and their subsequent interdependencies, Beck argues that, in this new paradigm, even those who assume anti-cosmopolitan positions regarding the unavoidable effect of globalization on the nation-state, end up assuming cosmopolitan strategies as actors of this new metagame of power[869] (the paradigmatic case being the one of global terrorism: according to Beck, they oppose cosmopolitanization by acting in a cosmopolitan way). That is what he calls the realist cosmopolitanism of international politics[870].

However, Beck does recognise that there are strong elements of resistance, particularly the "principle of non-intervention in the 'internal affairs' of foreign states in international law"[871]. Even if he argues in favour of a transformation of international law[872], he is also aware that this transformation is mainly dependant on a political change. That political change is what he calls the era of internal foreign politics or global internal politics[873]. A political attitude that he identifies with German post-war foreign policy, when the national dimension of Germany was replaced by slogans referring to Europe, peace, cooperation, stability or even humanity[874]. According to Beck, embracing this need for cooperation with the distinct other[875] is what constitutes the grounds of a truly cosmopolitan understanding of the global order. This cooperation competes with the power struggle of those hegemonic powers that find within human rights rhetoric the perfect justification to maintain their position[876]. The difference with previous epochs is that in Second Modernity, as I have explained in Chapter 4, civil societies are not restricted within the national boundaries, but connected through the common threat of global risks. Therefore, according to Beck, that is the key issue of the politics - subpolitics conflict in Second Modernity: the importance of cosmopolitanized sub-political actors to transform the states into truly cosmopolitan actors[877].

However, despite these almost ideal (or rhetorical) guidelines on the way global political dynamics should transform, Beck is aware of the difficulties of fostering such a project beyond any given institutional framework (although, in keeping with his understanding of modernity, this does not mean renouncing the cosmopolitanization of world politics). That is why his more developed account of a transnational order, the cosmopolitan empire, is focused in Europe. In his view, "Europeanization brings forth a new kind of both/and in which national legal and political cultures continue to exist and are simultaneously merged into a European legal culture. Cosmopolitanism means 'logic of inclusve oppositions'; that is what makes it so interesting for political theory

[867] Beck, U. (2002), p.90
[868] Beck, U. (2007), p.253
[869] Beck, U. (2002), p.41
[870] Beck (2004) pp.306-308
[871] Beck, U. (2004a) p.119
[872] Beck, U. (2002), p.111
[873] *Idem* p.293, a view also shared by Habermas [Habermas (1997) p.68]
[874] Beck (2011) p.95
[875] *Idem* p.47
[876] Beck, U. (2002), p.110
[877] *Idem* p.291

and social theory. It is not a matter of negating or condemning self-determination but of liberating it from national solipsism and opening it up for the concerns of the world"[878]. In other words, he advocates for a regional (instead of global) cosmopolitanization[879] that, in the case of Europe, implies building a framework of cooperation[880]. In other words, a framework where "national and European interests are fused in such a way that national interests can be Europeanized and pursued and maximized as the pursuit of an in-authentic cosmopolitanism, remains an option for all states. Every member government must anticipate that the other member states might well act in exactly the same way"[881]. In what follows, I will analyze in detail how he conceives that framework.

Institutionalizing cosmopolitanization in Europe

One of the problems with European Studies is the difficulty in agreeing on the nature of its object of study. According to Beck, this difficulty results precisely from the attempts to define it through the conceptual framework of the nation-state[882]. In the meantime, globalization makes 'European decline' a commonplace[883]. However, according to Beck, Second Modernity provides the opportunity to continue developing a process that, in his view, started with the Nüremberg Trials: the need to create a cosmopolitan project where the brutality of colonialism, nationalism or genocide, among others, could be jointly overcome[884]. This original ambition was not merely an ideal pursuit: ever since the formation of the European Coal and Steel Community, the ambition was institutionalized[885]. However, due to the political complexities of the project and the prevalence of the national outlook, this cosmopolitanism has been deformed: it has created a (fake) tension between technocratic and democratic legitimacies[886]. Moreover, the fact that the integration process has been addressed as a self-contained process of globalization - instead of as a part of the further global-globalization -, its cosmopolitan ambition has also been limited[887]. Nonetheless, according to Beck's account of reflexive modernity, neither the overhaul of the national boundaries nore the rise of new forms of politicization are contained within European borders[888]. However, he still believes that, given both its level of interdependency and institutionalization, Europe[889] has an

[878] Beck, U. (2004a) p.172-173
[879] Beck, U. (2002), p.299
[880] Beck (2011) p.90
[881] Beck, U. (2004a) p.174
[882] Beck (2004) p.18
[883] *Idem* p.19
[884] *Idem* p.27
[885] *Idem* p.40-41
[886] *Idem* p.42
[887] *Idem* p.50
[888] *Idem* p.58
[889] Unless I explicitly say the European Union (EU), by Europe and the European Integration process I refer - as Beck does - to the broader concept of the regional or continental integration that includes the European Union, the European Convention of Human Right or even the member state's membership in extra-european international organizations [including the World Trade Organization (WTO), North Atlantic Treaty Organization (NATO), United Nations (UN) or the International Labour Organization (ILO)].

intrinsic potential of cosmopolitanization. In other words, the European integration process started to force nation-states to cooperate according to win-win dynamics, and it is that same dynamic which advances the cosmopolitanization of Europe[890]. A process that does not reject the basic political institutions of modernity - namely, sovereign nation-states -, but transforms its structure to allow political power to operate beyond the nation-state[891].

Little wonder, Beck conceives of the cosmopolitan project in Europe not only as a historical dynamic traceable to its very beginnings, but particularly necessary in the Global Risk Society. However, Europe is far from providing adequate answers to the challenges within this new paradigm. Not because of its imperfect institutional arrangement or excessive tasks, but because integration keeps being arranged in nation-state terms. That is to say, it replaces violent means of war with the pacific means of conflict provided by European integration[892]. An achievement that, as Daniel Innerarity asserts[893], is far from despicable, but has proven incapable of dealing with new challenges beyond peace, economic growth and democracy. That is why Beck holds that we need to build a new tale about the process of europeanization that matches the actual challenges of Europe with both the perceptions and expectations of Europeans[894]. Those challenges answer, according to Beck, to new cosmpolitanized forms of life (citizens who work, love, marry, travel, consume, etc. internationally[895]) that move beyond the national monogamy presupposed by the European integration process. This conflict is even clearer within the EU, where the the EU is permanently forced to make decisions that fall beyond its attributes/competences as conceived from a national outlook[896]: it is not a common point of departure that makes the EU foster common decisions[897], but the unavoidable need to address global risks. Legitimacy at the EU, thus, does not result from the member states nor the citizens, at least not solely, but from necessity[898]. Apparently[899], this leads to the problem of a European democratic deficit, particularly as more and more relevant decisions started to be taken at the EU level (after the entry into force of the Single European Act and the Maastricht Treaty[900]). However, Beck blames the prevalence of national self-determination and nation building processes for these deficits[901].

If that is the context in which Beck locates the European integration process, how exactly does he conceive it in the EU's case? His first approach is the one he refers to as 'integration through law'. According to this view, state governments and tribunals are

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[890] Beck (2004) p.67
[891] *Idem* p.97
[892] *Idem* p.21
[893] Innerarity (2017) p.15
[894] Beck (2004) p.20
[895] *Idem* pp.63-64
[896] *Idem* p.68
[897] *Idem* p.315
[898] *Idem* pp.345-346
[899] It is not completely clear whether Beck believes the deficit is an intrinsic feature of the EU or a consequence - as Innerarity does [Innerarity (2014); (2017) pp.73-95] - of the excessive statalist view of the EU, which would lead to criticisism of the EU deficits that we tolerate at the nation-state level (which does not mean that they should be tolerated, but that this issue should be equally addressed).
[900] Beck (2004) pp.316-317
[901] *Idem* p.350

ready to cede power to a higher European legislation and tribunals, losing authority from the national outlook but gaining authority from the cosmopolitan outlook[902]. In this sense, the states are the ones choosing to cede power, overcoming the false quandary between illegitimate European institutions and powerless nation-state institutions[903]. More specifically, Beck argues that it was European Court of Justice (ECJ) case law which, elevating treaties to the category of constitutional law, kept the integration process moving forward as a cosmopolitan project[904]. A move that was approved by most of the member state governments and courts[905]. In a way this is what makes Beck assert that the European integration process in general and the construction of the EU in particular - through the ECJ's action - has been a cosmopolitan process: precisely because it has been based, according to Beck, on the synchronic logic of fostering *both* national *and* European interests[906].

If that is the case, why does Beck present an alternative account? The answer is illustrated by the academic debates about the integration process. Nevertheless, it is in those debates where Beck identifies the key pathologies of the integration process. He identifies - as most European studies do[907] - two broad failed approaches:

- Federation of states (intergovernmentalism): the problem with the intergovernamentalist perception is that it conceives of Europe in negative terms, that is, sovereignty should be restricted to the nation-state except in those very specific - and very limited - areas that are governed jointly[908]. The basis of the intergovernmentalist view is the assumption that national interests are better protected at the nation-state level[909], a view challenged by Beck's cosmopolitan view.
- Federal State (federalism): the EU is conceived of as a super-state where one of two things happens: either states become museum pieces or the EU becomes a frame of competition between national interests[910]. That is to say, it departs from the assumption – no longer valid in second modernity - that at the EU we can clearly identify which competences are national and which are supranational[911].

Even the transnationalist view of the EU, Beck argues, however potentially fruitful as it might seem (and is in the nation's case), assumes a statist conception that is not capable of grasping the the new forms of power, community bonds and relations or political dynamics of a cosmopolitan Europe[912]. In sum, Beck holds that the problem with these

[902] Beck (2004) p.73
[903] *Idem* pp.67-68
[904] *Idem* p.71
[905] *Idem* p.72
[906] *Idem* p.73-74
[907] Elazar (2001) pp.38-42, or as Joseph Weiler frames it [Weiler (1999) pp.86-101], between morally integrationists in favour of unity and nationalists in favour of community. I will further explore these debates in Chapter 5 Section II (politically) and Chapter 6 Section II (legally).
[908] Beck (2004) p.39
[909] *Idem* p.35
[910] *Idem* p.82
[911] *Idem* p.112
[912] *Idem* p.87

debates is that they have been framed in terms of either national interests or federation, ignoring the methodological lessons set out by reflexive modernity[913].

Nevertheless, in his view, the true novelty of the European integration process is that while Europe is on its way to abandon the mere national outlook, it has not constituted a new state[914]. Moreover, it has gone through this process without overcoming inner diversity at the EU[915]. However, the transformation has been incomplete and the influence of the national outlook persists: the enterprise of definitively abandoning the zero-sum game that results from the either/or logic[916] still persists in Europe, making it a hybrid between market and beaurocracy[917]. According to Beck, this dead-end street may only be opened once we abandon the delusion of understanding the European integration process in terms of *either* national interests *or* European sovereignty[918]. This division not only is not valid anymore[919] - as it generates unfair results -, but neither is it viable - as it ignores the forced cosmopolitanization generated by global risks[920]. However, Beck recognises that we lack an adequate concept to name the cosmopolitan potential of the EU: "new categories of fusion and interdependence are taking shape, hybrids forms for which the either/or logic of the national has no name whereas the both/and logic of the transnational and cosmopolitan is still insufficiently conceptually developed (...) it is precisely the extension of power into the transnational domain that makes possible a redefinition of the national cores behind the façade of nation-state continuity"[921]. In this sense, even if Europe might be far from its cosmopolitan purpose, Beck holds[922] that we should keep trying to generate this conceptual innovation. That is why he merely introduces the idea of European Cosmopolitan Empire.

The idea of a European empire is proposed as an alternative to the allegedly cosmopolitan politics fostered by the United States (US) that, since the Iraq War, confronts the imperialist model with the truly cosmopolitan empire based on the common need of dealing with the global risk society[923]. We can synthesize three main reasons why Beck believes that this proposal is currently plausible at the EU: (1) as "nowhere in the world are transnationalization and cosmopolitanization so far advanced"[924], (2) "Europe is becoming an open network with fluid boundaries in which the outside is already inside"[925] and (3) the strength of European diversity to counteract

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[913] *Idem* p.79

[914] *Idem* p.74

[915] I do not come back to this issue in this chapter as I have already addressed the broad topic of diversity in Chapters 3 and 4. However, it is important to note that even if Beck rejects the container understanding of diversity of the nation-state, whenever he refers to diversity at the EU, he seems to assume that diversity equates to diversity of nation-states, therefore ignoring the actual identity and power struggles within many states in the EU (Spain, Italy, France, the UK, Hungary or Belgium, to cite just a few). I will address this misleading statist approach in Chapter 6.

[916] Beck (2004) p.119

[917] *Idem* p.268

[918] *Idem* pp.44-45

[919] *Idem* p.81

[920] *Idem* p.269

[921] Beck, U. (2004a) p.64

[922] Beck (2004) p.273

[923] *Idem* p.70

[924] Beck, U. (2004a) p.114

[925] *Idem* p.166

any inclination for domination[926]. The combination of these features provides the grounds, despite the resistances we find in everyday politics, to foster a political cosmopolitan agenda in Europe[927]. In Beck's case, this agenda comes into being as a Cosmopolitan Empire. As follows, I explain its main normative features that connect with the study object of this thesis: post-hegemonic, post-nationalist and post-universal. Then I will proceed to explain the idea of European empire as a form of institutionalized cosmopolitanism as well as the principles that this institutionalization should endorse.

- *Post-hegemonic character*: Beck argues that the European Cosmopolitan Empire will not follow the traditional logic of state consolidation[928] (i.e., the goal of becoming a monolithic polity over a closed territory). Besides, in contrast to traditional 19th century empires, it is not based on national delimitation and conquest[929]. The underlying idea is that Beck's empire does not pursue a Weberian monopoly in terms of gathering the formal power but domination through a combination of formal/informal and direct/indirect uses of power[930]. Moreover, even if this power is exerted by the empire over a permanently expanding territory[931], in the case of the European Empire proposed by Beck, this accession is not forced by the empire, but by the need of opening the nation-state to the global risk society.
- *Post-nationalist character*[932]: the European empire aims to overcome First Modernity's idea of nation-state[933]. However, this does not mean that nation-states disappear, as Beck himself recognizes their relevance[934] (particularly in terms of legitimacy and the ability to enforce EU law). Instead, it means to fix procedures, beyond the nation-state, to an adequate recognition and interaction between diverse nation-states[935]. In sum, Beck's understanding of a post-nationalist empire refers to the idea of pursuing the national interest as a European interest[936], which will necessarily transform member nation-states, he argues, into cosmopolitan states[937].

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[926] Beck, U. (2004a) p.168

[927] Beck (2004) p.22

[928] *Idem* p.24

[929] *Idem* p.85

[930] *Idem* pp.88-89

[931] *Idem* pp.90-91

[932] As mentioned in Chapter 3, the fact that Beck wrote the key volume [Beck (2002)] where he explains the idea of a cosmopolitan empire with another scholar (Edgar Grande) makes him much more receptive to nationalism, to the extent of explicitly claiming the need of nationalism to promote and stabilize difference combined with universal norms [Beck (2004) p.36-37]. In this sense, the idea of post-nationalism refers to Beck's idea of nationalism explained in Chapter 3 rather than to this softer approach which seems to accept that 'nationalism' is not such an intrinsically negative political force as he tends to depict it.

[933] Beck identifies five fundamental features that the empire aims to overcome: absolute sovereignty, bureaucratic rationality, cultural homogeneity resulting from nationalism, representative democracy, and the protection against individual and collective threats [Beck (2004) p.58].

[934] Beck (2004) p.61

[935] *Idem* p.36

[936] *Idem* p.303

[937] *Idem* p.111. Beck presents three basic conditions in order to transform national interests in cosmopolitan interests as a result of the existence and perception (both dimensions are equally relevant) of interdependencies that generate a politics of interdependencies: that is, force states to consider the

- *Post-universal*: even if Beck's idea of a cosmopolitan empire has a universal aspiration in terms of engaging globally to address global risks[938], it does so by recognising its diversity, not in contrast to it[939]. In this sense, the cosmopolitan aspiration of the European empire does not aim to overcome diversity but to channel the conflicts it may generate through political dynamics of competence and resource distribution[940].

Based on these principles, the fundamental goal of Beck's proposal of a European Empire is to institutionalize cosmopolitanism in order to avoid a backlash of the cosmopolitan project in Europe[941]. The transforming character of the European integration process implies, precisely, that it is not a single institution (*either* the EU *or* the member states) which fosters cosmopolitanization, but the multiplicity of actors that participate in integration (in this case, as I explain in Chapter 6, including both - and mainly - the EU and the rest of the supranational institutions that operate in Europe)[942]. The characteristic feature of this institutionalization is, in the particular case of the EU, that the EU dominates the member states without taking the state instrument of power away from them[943]. It is, thus, an empire without an emperor - understood as a single person or institution - but ruled by a concrete and complex multitude of institutions and procedures[944]. The key element is that that multitude excludes the use of violence as a means to resolve conflicts, whether by the member state or EU institutions[945]. However, in contrast to traditional understandings of democracy (where the monopoly of violence was a fundamental feature), Beck's idea of a Cosmopolitan Empire is neither counter-democratic nor advocating for global democracy[946]. However, back in 2002, he seems to solve the question of democracy in the European Cosmopolitan Empire with a European Constitution[947].

Assuming that it will not do justice to his proposal to judge this as a non-contextual claim (as back in 2002 the claim for a European constitution was a sort of realistic claim, or at least not as implausible as nowadays), I will now sketch out the ten main procedural features of the European Cosmopolitan Empire where, up to a point, those procedures that will safeguard democracy are stated:

1. Asymmetric system of power[948]: as in any form of empire, the members of Beck's cosmopolitan empire do not have equal - although equitable - rights, duties and status. According to Beck, this formal - not actual power - asymmetry is a necessary condition to articulate heterogeneity and integration.

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foreign interests in order to avoid harming themselves [Beck (2004) po.121-124]: (1) the solid expectation of gaining power, (2) the existance of controls and needs for interaction and (3) the change of preferences through the *policy learning* resulting from the interaction in Europe [Beck (2004) po.124-128]

[938] Beck (2004) p.49
[939] *Idem* p.55
[940] *Idem* p.113
[941] *Idem* p.75
[942] *Idem* p.76
[943] *Idem* p.115
[944] *Idem* p.116
[945] *Idem* p.118
[946] *Idem* p.321
[947] *Idem* p.314
[948] *Idem* p.99

2. Open and variable spatial structure[949]: the borders of the empire are contingent and subject to political decisions on admission and rejection (although this does not refer to internal borders or to the possibility of exclusion).
3. Plurinational social structure: departing from the idea of national secularism explored in Chapter 3, Beck states the relevance of granting national, ethnic, religious and cultural diversity in the European Cosmopolitan Empire through the separation of institutions and nations[950].
4. Integration through law, cooperation and consent[951]: the monopoly of violence rests in the member-states, but they voluntarily join through a European law that is fundamentally devoted to their internal pacification.
5. Welfare and security[952]: beyond peace - and despite the difficulty in combining both goals - the European Empire is mainly focused on both granting and expanding a regime of welfare and security for its citizens.
6. Horizontal and vertical institutional integration[953]: the latter refers to the territorial integration of the European Cosmopolitan Empire - meaning that member-states have the needed institutional means to interact with each other. The former refers to encompassing the Empire under common institutions that affect all levels of government within the Empire. In sum, this results, according to Beck, in a multiple level system of integration.
7. Reticular power[954]: power is not exerted from a defined hierarchical centre but from a network mainly focused in providing a platform to negotiate between all the actors involved in the multi-level system.
8. Cosmopolitan sovereignty[955]: the absolute understanding of sovereignty described by Bodin and Hobbes is replaced by a complex understanding of sovereignty with two main features: (1) it is gradually dispersed from the centre to periphery - the centre being the one ceding more formal sovereignty - and (2) the loss of formal sovereignty (autonomy) is understood as a gain of actual sovereignty (power).
9. Ambivalence of territorial limitation and deslimitation[956]: the European Cosmopolitan Empire is permanently reflecting on its own limits. Otherwise, if it would define a clear and fix territorial delimitation, it will go back to the state-form, necessarily leading to conflicts and contradictions between the national and supranational levels.
10. Emancipating cosmopolitanism[957]: the idea of Cosmopolitan Empire is intended to strengthen both individual and collective autonomy, providing new means of empowerment to both dimensions.

All these principles point to the same idea: that of differentiated integration. They are basically sustained under the broader concept of constitutional tolerance[958]: European identity is composed of the plurality of national identities it holds, which are only expected to meet a basic set of procedural and substantive norms that may concede their

[949] *Idem* pp.100-101
[950] *Idem* pp.101-102
[951] *Idem* p.103
[952] *Idem* p.105
[953] *Idem* p.106
[954] *Idem* pp.107-108
[955] *Idem* p.109
[956] *Idem* pp.109-110
[957] *Idem* p.111
[958] *Idem* p.132

compatibility with the European Cosmopolitan Empire. However, this principle contrasts with the idea of 'ordered pluralism' where Beck asks himself how much diversity Europe could embrace without collapsing and, subsequently, explicitly states the primacy of the European level over the sub-European level[959]. I do share many of the goals and principles underlying his proposal of a Cosmopolitan Empire. However, my hypothesis is that those same goals cannot be duly fostered by his model precisely because the substantial norms and procedures (and principles, I would add) that should regulate that model are either too blurry or mistaken. As a consequence, although the diagnosis of Europe and its cosmopolitan purpose is clearly stated, it is not completely clear how it is, concretely, compatible with democracy and diversity. In what follows, I introduce, in Section II, some concerns about Beck's proposal and an alternative way of promoting those same goals: the idea of a European dêmoi-cracy. In Section III, I will sketch out how a nationalist position could be compatible with such an alternative cosmopolitan framework.

[959] *Idem* p.136

Section II: Towards a more pluralistic and reflexive understanding of transnational democracy

In this section, I first analyse the main problems underling Beck's proposal of a European Cosmopolitan Empire. I do so through the review of its two main normative elements (democratic decision-making and sovereignty beyond the nation-state) and through the specific shortages of the Empire arrangement itself. Then I introduce the main features of an alternative arrangement that, in my view, better meets Beck's cosmopolitan concerns: the idea of a European Demoicracy.

The problem of the Empire… and its echoes

I have already explained how Beck's idea of the European Cosmopolitan Empire works on the basis of two premises[960]: (1) the global risk dynamic blocks any attempts at unilateral national action and (2) this does not impede building realistic political alternatives beyond the nation-state. However, Beck argues, these political alternatives cannot be proposed without abandoning the national outlook that, in his view, "not only misunderstands the reality and future of Europe. It can see only two ways of interpreting European politics and integration, in terms either of a federal state (federalism) or of a confederation (intergovernmentalism). Both models are empirically false. Understood in normative and political terms, they deny the very thing at stake now and in the future: the Europe of diversity"[961]. Still, Beck recognizes that building the alternative requires a new descriptive vocabulary[962]. In the particular case of Europe - although without renouncing its global potential[963] and without necessarily rejecting other hybrid forms such as the one I explore in the next part of the section[964] - that is where he proposes the alternative of the European Cosmopolitan Empire that I have just described. While I share most of its goals and normative assumptions (as I will describe in the next part of the section), there are at least four dimensions of Beck's proposal that, in my view, need further analysis: (1) the articulation of democracy, (2) the appeal to overcome traditional conceptions of sovereignty, and (3) the use of the name 'Empire'. In what follows I will briefly address each of these elements.

Regarding the first element, Beck's understanding of the European Cosmopolitan Empire aims to articulate democracy beyond the nation-state. That is, he aims to beat the argument that "in the absence of a demos, democracy is not possible, since

[960] Beck, U. (2007), p.100
[961] Beck, U. (2004a) pp.171-172
[962] Beck (2016) p.177
[963] Beck (2004) p.299
[964] Beck, U. (2002), p.147

democracy means precisely the government of and by the demos"[965]. Many other authors have attempted to overcome this conception in a similar vein to that presented by Beck[966], either by defending that there is (or will be) such a European demos or arguing that, even in the absence of such a demos, democracy is perfectly viable at the EU. We may call these authors, even if they might not explicitly embrace this paradigm, European cosmopolitan democrats (following the description outlined in Chapter 2). As professor Menendez asserts, one of the main advocates "of a cosmopolitanized democratic constitutional theory of European integration is Jürgen Habermas (…) [he] has addressed the vital question of whether deliberative democracy can be entrenched in global and global-regional entities (beyond the nation-states). Habermas resuscitates the Kantian cosmopolitan project and, through that, provides us with an elaborate and very sophisticated attempt at formulating a viable cosmopolitan constitutionalism"[967]. From a legal theory perspective, the German philosopher expresses an idea similar to Beck regarding the European Union integration process[968]. An attempt which is not based on a global trend of integration or on a normative statement, but on "the 'unregulated growth in complexity of world society', that increasingly undermines the capacity to act of member states by placing 'systemic restrictions on the scope for action of nation states'"[969]. Habermas departs from two basic premises:

- Nation states cover the three main elements that define every democratic political body: citizenship, legal capacities of distribution among the institutions that grant citizens decision making (legislative, executive and judicial) and both *intra* and *inter*-state solidarity.
- European Integration is a open-ended process framed on the wider integration of a global multicultural society that could lead to a political constitution for the world society that could "effectively and above all non-selectively fulfill two functions, namely to secure peace and human rights on a world scale"[970]

Although sharing a similar aim as the one pointed out by Beck, Habermas does not fully assume the conceptual paradigm change proposed by Beck (methodological

[965] Martí (2017) p.2. José Luis Martí also provides a synthesis of the argument underlying the *The no-demos thesis*:

1. "Conceptual premise: Democracy is conceived of as a government (*kratos*) of and by the people (*demos*). Therefore, the existence of a *demos* is a pre-condition of democracy: only when a *demos* exists will self-government be possible.
2. Empirical premise: There is at present no single European *demos* (but a sum of different *demoi*), and it is impossible or very difficult to create one in the near future.
3. Conclusion: democracy is not possible at the European level, at least in the near future, as desirable as it may be. Democracy is only possible within each of the constituting *demoi*" [Martí (2017) p.6]

However, as I will explore in the next part of the section, this view is still framed on the either/or logic, undermining that some authors more or less reflexively endorse the empirical premise but reject both the conceptual premise and the conclusion.

[966] I explore alternative views further in Chapter 6 Sections II and III

[967] Menendez & Fossum (2014) p.10

[968] Habermas (2012)

[969] Menendez & Fossum (2014) p.12

[970] Habermas (2015) p.231

cosmopolitanism). Therefore, he seems to make some assumptions about the nation-state that are, at least, problematic. As Daniel Innerarity asserts, "this contraposition between homogeneous national spaces that are bursting with solidarity and heterogeneous transnational spaces that are incapable of solidarity does not correspond to the reality of the nation states, either from the point of view of their historical construction or their current expression of solidarity"[971]. In this sense, there seems to be two different and not necessarily overlapping dimensions regarding the no-demos thesis: (1) which features does a demos need to have to be considered a demos[972] and (2) which elements does a democratic regime[973] require to properly function[974]? This dichotomy tends to create four positions: (1) those who argue that the nation-state is a demos but this demos is compatible with the existence of a European demos (although might not be desirable[975]), (2) those who argue that nation-states are no longer a demos while Europe is (or could be), (3) those who argue that nation-states are a demos and Europe is not, but this does not imply that there is no solid ground to build a European democracy and (4) those who argue that neither the nation-states nor Europe are a complete demos, but still democracy can (and should) be achieved in both grounds. In this sense, it is not clear whether[976] – as Habermas seems to assume[977] – democracy requires a *demos* understood as a pre-political entity or we may assume a more scalar approach[978]. Assuming a clear equivalence between the individual and the collective will[979] – emanating from a "perfectly identified and delimited people" [980] – not only implies mystifying the contractual or constitutional moment when the *demos* was legally settled (despite its paradoxical features[981]) but also hampers the attempts to generate new *demos* through "collaborative processes"[982].

[971] Innerarity (2014) p.3

[972] Marti (2017) p.7

[973] Note that I use the term regime, defined by Oxford Dictionary as 'a system or ordered way of doing things', as a wider, more holistic, understanding of democracy (that is, including the legal and institutional framework, but also the sub-political actors or the democratic values that might shape the playing field of a given society).

[974] Martí (2017) p.18

[975] Martí (2017) p.20

[976] "The idea that homogeneity is a condition for democracy is historically false and empirically untrue. The nation state has often achieved uniformity through assimilation, integration, exclusion, and even extermination (...) On the other hand, it is an empirical reality that the fact of sharing the same nationality is not a sufficient condition (and perhaps therefore not a necessary condition either) for the existence of reciprocal confidence and solidarity. There are phenomena of desolidarisation within states, but also obligations of justice beyond them. All of this precludes our continued belief that the nation state is the exclusive platform for our obligations of justice. A willingness to express solidarity requires a sense of justice that is not afforded by belonging to the same group, a sense that is to a large extent independent of the feeling of shared nationality. Justice is more complex within states and more demanding outside of them than we generally think" Innerarity (2014) p.4.

[977] Habermas (2015) p.35

[978] Martí (2017) p.21

[979] Innerarity (2014) p.9

[980] *Idem* p.6

[981] *Idem* p.10

[982] *Idem* p.5

In this sense, as I will argue in the second part of the section, a more performative understanding of the demos - not necessarily subjective[983] - where the identity, history or culture related elements have more of an explanatory value than a justificatory one (i.e., they explain the rise of particular political communities, as they do not develop spontaneously[984]) seems more accurate to describe the European integration process. Nevertheless, the processes of national community building answer to very *ad hoc* and diverse variables[985], but they all share two features: (1) they all generate a territorially settled community that values their institutions as a mean - not necessarily exclusive - to foster democracy and (2) this attachment persists regardless of the transformations that the community may experience, either internally or externally. I agree that these national political communities are not an idealised demos (the "greatest creator of democracy and solidarity that has been historically possible"[986]). However, I also believe that any attempt at promoting the European Integration process, if wants to avoid becoming closer to an "enlightened despotism than to genuine democracy"[987] (and thus threaten its own existence[988]), should institutionalize the European community departing from the already existing demoi. In sum, I agree with Beck that we need to escape the no-demos thesis trap, but I do also think that his European Cosmopolitan Empire's alternative is still closer to a "'community that gives itself a government in order to resolve certain problems' [than] to 'problems for which we must create a structure of government and thus configure a community'"[989].

Regarding the second element, I share Beck's claim to overcome traditional conceptions of sovereignty based on the friend-enemy dichotomy. Traditional conceptions that are mainly focused on nation states' "*unilateral control* over their policy instruments and the issues that are important to them, and to operate without outside influence in their *internal affairs*"[990]. The hypothesis that he sustains on this premise is that in contrast to the Schmittian conception of legitimate authority and the state – which holds that there is no legitimate political authority outside the sovereign state[991], radically expressed in the legitimate resource to call a state of exception[992] – as transnational socio-political processes require integration processes which are neither less democratic nor legitimate. Having briefly analysed the problematics of ensuring democracy in a transnational union or beyond the nation state, I will now address the problematics of sovereignty. That is, how does Europe aim to overcome the idea of sovereignty as absolute state-

[983] Marti (2017) p.15

[984] Habermas (2015) p.38

[985] "That peoples (...) como to be socially constructed as collective political persons, or political communities, depends on relatively complicated historical and sociological iterations" [Cheneval & Nicolaïdis (2016) p.4]

[986] Innerarity (2014) p.4

[987] Innerarity (2014b) p.5

[988] *Idem* pp.7-8

[989] *Idem* p.3, the idea of community or risk defended by Beck (as well as Habermas [Habermas (1997) p.78] in this context of institutionalizing democracy beyond the nation-state) seems closer to the first understanding as - assuming all the nuances due to his lack of systematicity - it departs from the break-up with the national community.

[990] Bagwell & Staiger (2004) p.1

[991] Even denying, as Habermas rightly states, the category of 'crimes against humanity' on the basis that the subject of the crime, 'humanity' cannot be precisely defined [Habermas (1997) p.85].

[992] MacCormick (1999) p.128

power that stands over those who are subject to its power[993]? Or, as Habermas argues, how do we maintain legitimate state power proceeding from the people given that after the constituent moment (or even during that process, I add), the people exercise authority in a divided way (both internally and externally)[994]. A conception that, in fact, has traditionally been linked with "Europe's standards of civilization"[995].

The traditional account of sovereignty was equated with the idea of foundational constitutionalism, that is, with the idea that "constitutionalism is a historically very particular form through which to realize central political values, individual liberty and collective self-governments. It embodies a peculiarly modern trust in the ability of humankind to rationally voern itself, in the power or reason in the design of political institutions, and in the strength of those institutions in realizing a common good. After all, the modern constitutionalist project has emerged from Enlightenment thought, and it is today often regarded as a continuation of Kantian political theory"[996]. A conception of sovereignty that, apart from being uncritically assumed as an unstated presupposition[997], "has come to sit uneasily already with diversity, social differentiation and increased regulatory expectation in late modern societies"[998]. Furthermore, based on this assumption about the primacy of the nation-state, the 20th century witnessed some of the most barbaric expressions of human history. The question then, would be whether we may "think of a world in which our normative existence and our practical life are anchored in, or related to, a variety of institutional systems, each of which has validity or operation in relation to some range of concerns, none of which is absolute over all others, and all of which, for most purposes, can operate without serious mutual conflict in areas of overlap. If this is possible practically, as it clearly is conceptually, it would involve a diffusion of political power centres as well as of legal authorities"[999]. That is the case of the European Union.

One of the authors who made a path-breaking contribution regarding the new understanding of sovereignty - that could match Beck's proposal, although developed in a much more sophisticated and exhaustive manner - is Neil MacCormick. Without going through all the nuances of his proposal, there is one element of his approach that is crucial for the debates around the EU: the idea of sovereignty as a gradual principle that neither presupposes the people/nation[1000] nor rejects its relevance[1001]. In his view, the traditional understanding of sovereignty (either in its legal or political forms[1002]) implied a necessary unity between the issues ruled by the authority and the authority ruling over those issues[1003]. However, as MacCormick argues - and the theory of demoicracy further develops -, at least in Europe this unitary understanding of sovereignty is

[993] MacCormick (1999) p.123
[994] Habermas (2015) p.34
[995] Nicolaïdis (2015) p.296
[996] Krisch (2010) pp.67-68
[997] MacCormick (1993) p.2
[998] Krisch (2010) p.68
[999] MacCormick (1993) p.17
[1000] All through this section I will be using the term 'people' as that is how the demoicratic theory portrays political facts that do not necessarily constitute a State. In this sense, this idea of people - as I have explained in Chapter 3 - is equivalent to my understanding of the nation.
[1001] MacCormick (1999) p.125
[1002] *Idem* p.127
[1003] *Idem* p.130

contested in two crucial senses: internally, as many European states are composed of decentralized power relations between the institutions they encompass[1004], and, externally, as the legitimate sources of law are completely distributed into a myriad of institutions[1005]. This does not make him ignore the potential negative effects for democracy of that kind of integration[1006], but it just shows that "the national as cultural, or linguistic, or historical, or even ethnic community is not coextensive with the (former) sovereign state, the traditional 'nation-state"[1007]. The question then, would be, does the concept of Empire duly address these new forms of democracy and sovereignty in the case of the European Union? Before addressing this inquiry in the next part of the section, it is important to first review whether the concept of Empire itself is an adequate one.

What is problematic, if anything, about the use of the concept of Empire? I am aware that Beck introduces all kind of disclaimers - empire without emperor, empire as distinct from imperialism, non-hegemonic empire, etc. - but, still, it seems to me that he undermines the actual imperial history of Europe (that is, "the general powerful impact of trans-epochal path dependencies"[1008]). However, despite the reference to current global risks as a mean to build a European community, he seems to ignore "another less convenient memory: that of overseas colonization and decolonization, and their vestiges in the national and international narratives of a globalized world"[1009]. An absence that, without being determinant from a purely normative perspective, implies an important shortage of his proposal as those imperial pasts keep echoing present-day Europe[1010] and, more importantly, the 'other Europe' or former colonies (the use of colonial languages all around the world[1011], the monocultural understanding of culture in former French colonies[1012] or even the more explicit reference to the *Pax Americana* - resembling the roman empire's tradition[1013] - in the US's invasion to Iraq[1014]). In fact, the idea that Beck's proposal is radically distinct from the traditional concept of Empire insofar as it rejects violence as a mean of domination is not necessarily as distinct from traditional forms of empire as he claims: "of course war was not the only instrument used to promote Rome's *imperium*. The provision of amenities in newly subdued territories formed part of the programme of acculturation (...) the aqueduct, sanitation, roads, irrigation, public baths, and peace"[1015]. Neither is the case of the contingency of borders, which was also characteristic of historical empires[1016]. The fact that Beck does not also promote other traditional negative features of the Empire does not reject, in this sense, that those positive features can also be raised in overly rejectable forms of empire.

[1004] MacCormick (1999) pp.134-135
[1005] *Idem* pp.128-129
[1006] *Idem* p.134
[1007] *Idem* p.135
[1008] Schorkowitz (2015) p.2
[1009] Nicolaïdis, Sèbe & Maas (2015) p.1
[1010] *Idem* (2015) p.2
[1011] Sèbe (2015) p.135
[1012] *Idem* p.130
[1013] Schaub (2015) p.119
[1014] *Idem* p.113
[1015] Schaub (2015) p.116
[1016] *Idem* p.65

Some may argue - and I agree - that the label 'Empire' or 'Imperial' is not the only explanatory factor behind those negative phenomena[1017]. As in any other analysis, focusing on a single factor tends to result in an oversimplified diagnosis and, subsequently, blocks adequate solutions. However, if one recognises the most recent history of the European integration process and its problematic interaction with its colonial past, it appears to be hardly justifiable to refer to the European integration process without referring to its imperial features. That is the case, mostly, if we focus on the particular case of interaction with Africa, where those echoes are more substantive than rhetorical. Not only was it used by early Europeanists as a justificatory reference regarding the need for European integration[1018]. It was even considered a solid aspiration by Jean Monnet and Robert Schuman, who have been called the founding fathers of the EU and who openly referred to the European integration process as the 'Eurafrican'[1019] project. As Hansen and Johnson argue, "the EEC's Eurafrican system of colonial association becomes - from a European perspective - the solution to the problem of accepting increasing autonomy or self-government in the colonies, while at the same time continuing to gain from them economically and strategically. Thus EEC association is articulated as an offer of a modern and mutually beneficial partnership to African colonies"[1020]. A standpoint that was definitively confirmed during the Treaty of Rome negotiations, where the colonial scheme was implemented with complete disregard for the colonies' view in this regard ("not only of France's *départements* in Algeria but also of all the member states' colonial possessions"[1021]).

For both reasons, it seems plausible to admit that the label "imperial" might not be the most adequate conception given Europe's past (and present, in terms of persisting structural patterns in trade, cultural interaction or military relations) colonial history. Yet, there are other more normative considerations that, despite not being necessarily incompatible with Beck's proposal - it seems fair to recognise that Beck, considering his cosmopolitan concerns, will mostly share these critical considerations -, can reasonably be linked with the 'empire' type of institutional proposal. The first element that we may highlight in this respect is the risk of failing to comprehend what diversity actually means, this is to say, to duly comprehend the internal diversity of the empire[1022]. In

[1017] Porter (2015) p.400

[1018] "Paneuropa was by far the most important among many proposals for European collaboration of the 1920s, and largely mirrored the worldview of internationalists and liberal progressives of the era. A united Europe appeared paramount for political reasons, or simply to prevent a repetition of World War I. This was the argument for peace [that were raised together with civilizational and economic arguments] (...) Africa was seen as a natural or necessary part of Europe's geopolitical sphere, a part that needed to be more strongly connected to Europe, and to be exploited by united European forces in order to turn its resources full advantage (...) All of these arguments for assimilating Africa formed yet another strong argument for the unification of Europe. In interwar thinking, the common or synergetic exploitation of Africa was so unquestionably attractive and beneficial that it constituted in itself a reason for European states to make a common cause" [Hansen & Jonsson (2015) p.211]

[1019] Hansen & Jonsson (2015) p.216

[1020] *Idem* p.220

[1021] *Idem* p.217

[1022] "'Comprehension' has a suggestive double meaning; the colonial empires lost sight of comprehensive understanding in their hurry to draw up a cohesive, comprehensive inventory of colonial knowledge" [Frémaux & Maas (2015) p.386] Moreover, this lack of adequate 'comprehension' of diversity tends to dismiss the relevance in liberal democracies to articulate different spheres of power within the nation-states [Requejo (1990) p.253] Being in a position that often finds the resistance of the majority nation

other words, the risk of oversimplifying diversity for the sake of an apparently higher purpose, instead of rethinking its position - including the possibility of inferiority[1023] - with the rest of the world. However, there is an additional normative risk, regarding its external relations: the possibility of falling into a sort of messianic self-conception (that assumes a very benign and monolithic understanding of European history[1024]), "tainted by its past colonial overtones of a 'superior Self' on a crusading mission to civilize the world"[1025]. This second risk of the 'empire' model of organization, even if it is addressed by Beck and his proposal apparently overcomes it with the cosmopolitan approach, it is very much defined by the historical dynamics that have shaped Europe. Therefore, even if Beck clearly wants to avoid the potential risk, it is not that clear whether that will depend on a mere matter of good will.

However, in accordance with the reasoning I defended in Chapter 3 regarding nations, nationalism and national belonging, it will not be adequate to dismiss the idea of a European Cosmopolitan Empire just because of its negative semantic burden. Instead, without ignoring its hermeneutics[1026], we may focus on its actual features, as it might be the case that, as with nations, there are either positive cases empire-like institutional arrangements or there are positive signs that a European Empire will actually be cosmopolitan and thus unproblematic. Unfortunately, that is not the case with the European integration process, and probably will not be unless Europe is duly addressing its colonial past[1027]. So far, the governance approach to the EU, with its blurring of boundaries between inside and outside, "has largely ignored or downplayed the significance of the 'outside' in shaping 'the inside'"[1028]. That is, what Kalypso Nicolaïdis calls the paradox of inversion: "while differential recognition of sovereignty was globalized from Europe outwards, civilizational intrusion was internalized within Europe"[1029]. Beck argues that this is the result of the nationalist forces driven by member states, which might be the last source of resistance of the Westphalian understanding of sovereignty[1030]. Not disregarding the influence of that narrative in the European integration process - and I agree with Daniel Innerarity's view that this is the main obstacle for a proper integration -, I hold that in this case it is also the EU's own dynamic that falls in that mistake. As the cases of the enlargement processes illustrate, accession treaties are not signed between equal partners merely based on incentives[1031], but on a soft coercion exerted either from a hierarchical position of power or

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within the state [Requejo (1990) p.256], particularly when that majority is *de facto* - and not formally - hegemonic [Requejo (1990) p.254], Beck does not adequately endorse the challenge of defining how the European Cosmopolitan Empire would channel that conflict.

[1023] Nicolaïdis (2015) p.284

[1024] Innerarity (2012) p.3; Habermas, for instance, exemplifies this ambition when arguing that the "European unification will only be able to stand as a model for the construction of higher-order capacities for political action if it attains a degree of political integration that enables the EU to pursue democratically legitimated policies, both toward the outside world and within its own borders [Habermas (2014) p.232].

[1025] Korosteleva (2015) p.267

[1026] Requejo (1990) pp.256-257

[1027] Nicolaïdis (2012) p.8

[1028] Korosteleva (2015) p.268

[1029] Nicolaïdis (2015) p.297

[1030] *Idem* p.288

[1031] Korosteleva (2015) p.271

unavoidable material constraints of the accessing countries[1032]. That is: Europe keeps offering a project and vision *for* the world, and not *with* the world[1033]. In this sense, I agree with Korosteleva's view that both in the European integration's rhetoric and policies "'the Other' still remains an alien and unwelcome outside, which continues to be seen as a potential threat to the achievements of stability and order within the 'We-group' construct, necessitating respective practices of defensive boundary-closure and control on the EU part, to eliminate the destructive influences of 'the Other'"[1034]. A perspective that necessarily blocks any attempt at making EU governance the Cosmopolitan benchmark that Beck seems to pursue[1035].

In sum, even if Beck's attempt to build a European Cosmopolitan Empire based on the above-mentioned ten principles is in theory a valid proposal, it either lacks the necessary specificity regarding how sovereignty and democracy will actually operate or shows strong symbolic and normative failures. Moreover, the European integration process, not undermining its relevance and cosmopolitan features (as well as potentials), is also based on a "grand exercise of political amnesia"[1036]. Building a Cosmopolitan Empire in Europe seems, in that sense, as blind as if a German political party were calling itself nationalist just because it defends the values of liberal or cosmopolitan nationalism. In this sense, it is particularly shocking that Beck, who so firmly advocates for a reflexive and critical self-understanding, does ignore that a critical self-understanding of Europe, if it truly aims to be a cosmopolitan project (as Beck truly does), cannot think of itself as an Empire[1037]. Does this mean that Beck is completely misguided when identifying some actual and potential Empire-like features at the EU? No, it does not[1038]. It just means that there might be both more adequate and accurate proposals to describe this "political innovation"[1039] that the EU has become. In what follows, I will sketch up the understanding of Europe as a demoi-cracy (transnational, I add following Innerarity's proposal) as the one that, in my view, better meets Beck's cosmopolitan ambitions for the European integration process.

[1032] Nicolaïdis (2015) p.298

[1033] *Idem* p.291

[1034] Korosteleva (2015) p.275

[1035] *Idem* p.279

[1036] Nicolaïdis (2015) p.287

[1037] *Idem* p.299

[1038] Jan Zielonka provides an accurate description of the EU, without referring to the concept of Empire, that matches pretty well Beck's description: "The Europe emerging from my argument will increasingly resemble a maze without a clear hierarchy or structure. In this European maze different legal, economic, security and cultural spaces are likely to be bound separately, cross-border multiple cooperation will flourish, and the inside/outside divide will be hazy. Most states will enjoy limited sovereignty not just because of the mounting global economic pressures, but also because of the demands coming from powerful regions, cities and neighbouring states(or if you wish local hegemons). Citizens' loyalties will be split; democracy will function differently and independently at the local, national and regional levels; social and administrative provisions will be offered by diverse public and private actors operating transnationally. The key terms representing this emerging neo-medieval reality would be plurality, hybridity and heterogeneity (...) In a post-crisis Europe we will observe a similar pattern of transnational politics with increasingly fuzzy borders, overlapping jurisdictions, multi-centred governance, blurred identities, and cascading socio-economic discrepancies" [Zielonka (2015) pp.214-2015]

[1039] Innerarity (2017) p.225

Theory of Demoicracy

Having explored the main concerns about Beck's proposal of building a European Cosmopolitan Empire, in what follows, I briefly present the alternative that, in my view, better suits his proposal. In this regard, it is important to note that this approach mainly focuses on both the evolution and current normative debates about the EU. In both cases, the normative debates are expected to take into account how the EU does (or did), on each of its expressions, actually work[1040]. However, I think that it is important to distinguish the socio-political reality within the EU territory from the socio-political reality of the EU, that is, fostered by the EU. Nevertheless, while I share the critiques about the present socio-political reality within the EU[1041], I think both approaches err in at least two senses: (1) they consider that the problems within the EU are solely attributable to the EU - when they are often attributable to forces that can hardly be explainable when only considering the failures of the EU -, and (2) the identification of those problems makes them undervalue the normative debates. The latter concern, following John Rawls' statement, rests on the idea that "we must not allow these great evils of the past and present to undermine our hope for the future of our society as belonging to a Society of liberal and decent Peoples around the world. Otherwise, the wrongful, evil and demonic conduct of others destroys us too and seals their victory. Rather, we must support and strengthen our hope by developing a reasonable and workable conception of political right and justice applying to the relations between peoples"[1042]. Leaving aside the more specific references to the liberal understanding underlying his comment (as the same could be said from, for instance, a republican perspective), I think that the willingness he expresses should be the one guiding the normative debates about the European integration process.

The idea of a European Demoicracy is built as a middle path between the more statist intergovernmental view of Europe and the more cosmopolitan federal view of Europe. Its normative grounds are, in this respect, closer to Philip Pettit's Republican Law of Peoples[1043] than to that expressed by Rawls. Still, it cannot be considered only from a republican prism as it also endorses, with equal relevance, the Hegelian notion of

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[1040] Rawls, J. (1999) pp.12-16

[1041] The shortcomes of the EU include, beyond the recurring (and above discussed) reference to its democratic deficit, its constant reference to the markets [Bullain, I. (2016) p.62], the allergy to collective identities and the assumption that unencumbered individuals are the subjects of its law [Menendez (2016) p.11] or the structural flows that block an adequate response to the humanitarian crisis of the increasing refugee flows [Menendez (2016) pp.389-395] or the excessive weight it gives to nation-states, disregarding other forms of national communities and, therefore, indirectly promoting state homogeneity [Goikoetxea (2014) p.7]. Joxerramon Bengoetxea provides a pretty exhaustive list of the variables that researchers should consider when addressing the last expressions of the EU crisis [Bengoetxea (2015) pp.62-63]

[1042] Rawls, J. (1999) p.22

[1043] "I want to argue that a much more attractive ideal is a regime in which effective, representative states avoid domination – whether by another state, or by a nonstate body – and seek to enable other states to be effective and representative too. This is an attractive ideal, as we shall see, because it is required for the protection of individuals within those states against domination. The ideal is richer than that of non-interference, yet not so utopian as the cosmopolitan ideal of justice. It supports the Rawlsian proposal that representative states ought to live in mutual respect but it focuses attention, unlike Rawls himself, on the pre-conditions that must be fulfilled to make such a regime of respect possible" [Pettit (2010) p.73]

mutual recognition[1044]. However, there is a more explicit concern, namely that "democracy must be organized in more than one unit in order to satisfy demands for recognition that result from the logic of pluralist democratic governance. In this, global democracy cannot be some analogical world of individuals enjoying equal rights, which inevitably leads to the misrecognition of minorities and the corresponding tyranny of the majority"[1045]. This view has been traditionally linked to the idea of federalism, and even the proponents of European Demoi-cracy assume the connections between the proposal and the federal view, particularly regarding the account of legitimacy inherent to the latter[1046] However, this is more related to the idea of a federal vision - joining Beck's ambition to build a methodological turn, although in this case it is exempt from normative assumptions[1047] - than to the idea of a Federal State[1048] (in whatever form it might take). In sum, the demoi-cratic attempt aims to move the federal vision beyond any statist temptation and make it capable of fostering legitimacy beyond the nation-state by certain type of flexibility regarding the definition, allocation and execution of competences in fragmented (or compound[1049]) polities[1050]. That is, a proposal that is capable of striping, at least regarding the European integration process, the fake and simplistic dichotomy of "the forces of selfish retrenchment and fragmentation, parochialism and indeed nationalism (...) [and] the forces of reason and unity of mankind [Europeans]"[1051]. That is, a proposal that notwithstanding the historical (and present-day) perversions of nationalism that Beck seems to have in mind - or explicitly references in his works -, recognises that "the national consciousness which had also been the well of resistance during the war was still worth rescuing. The European Union was constructed as an anti-hegemonic not anti-national project"[1052].

Therefore, I will now give three key arguments why I consider the demoicratic proposal closer to the ideal of a cosmopolitan community (i.e., that *both* recognises its diversity *and* fosters common political action) than the one proposed by Beck's European Cosmopolitan Empire. Nevertheless, I may first introduce a consensual definition of demoicracy:

[1044] Lacey (2017) pp.83-84

[1045] Nimni (2015) p.78

[1046] "The notion that it is fair or just in some way that a set of actors accept the influence or say of a particular collectivity exercising power" [Nicolaïdis & Howse (2001) p.4]

[1047] Nicolaïdis & Howse (2001) p.9, "The Federal Vision is part analysis, part prediction, and part utopia" [Nicolaïdis (2001) p.440]

[1048] Lacey (2017) pp.86-87

[1049] "Compoundness is more than a political/cultural properly of non-centralized politicla systems. It is the systematic property of unions of states (or *federal unions by aggregation*) (...) It is strictly institutional. A compound polity becomes a *compound democracy* when its institutional features correspond to multiple (vertical and horizontal) separations of powers and its political logic is mainly motivated by divisions between states or regions of the union. Compound democracy is thus an ideal-type comparable to the ideal types of competitive or consensus democracy, but distinguishable from them because of the lack of a government as a single institutions and the existence of a cleavage between territorial units. I define as *compound union* a federal union functioning according to the logic of a compound democracy" [Fabbrini (2015) p.213]

[1050] Nicolaïdis (2001) p.442

[1051] Nicolaïdis (2016) p.140

[1052] *Idem* p.143

> European demoicracy is a Union of peoples, understood both as states and as citizens, who govern together but not as one. It represents a third way against two alternatives which both equate democracy with a single demos, whether national or European. As a demoicracy-in-the-making, the EU is neither a Union of democratic states, as 'sovereignists' or 'intergovernmentalists' would have it, nor a Union-as-a-democratic state to be, as 'federalists' would have it. A Union-as-demoicracy should remain an open-ended process of transformation which seeks to accommodate the tensions inherent in the pursuit of radical mutual opening between separate peoples[1053].

The key elements, thus, would be: (1) its understanding of the political community, with the emphasis on the peoples, (2) its understanding of sovereignty as both individualised and based on common principles, and (3) the understanding of decision making on a fragmented but interdependent polity.

On the first feature, the most relevant standpoint of demoicratic theory is that, while it "recognizes the individual embeddedness in national communities as separate demoi"[1054], it does balance[1055] this embeddedness with the existence of a European political community[1056]. Moreover, while it explicitly renounces (both for its lack of plausibility and undesirability[1057]) the existence of a single European demos[1058], it disconnects this statement from the possibility of building democracy in Europe[1059]. The first key element, then, is how demoicratic theory conceives communities. According to both Kalypso Nicolaïdis and Francis Cheneval, a community is a social fact that, institutionally considered, becomes a political fact through special constitutive principles and rules[1060]. More specifically, these social realities that are institutionally channeled, have three defining components[1061]: status (i.e., brute facts that the collective, however reflexively it might be, recognises as part of their *raison d'etre*), rules (i.e., some sort of sovereignty - internal and externally recognised - within a certain territory), and intentions (as the transformation of a social fact into a political fact is, in sum, an expression of the collective orientation). The key question, then, is that none of these components required to define a people are compromised, according to the demoicratic theory, through the involvement in the EU understood as a "species

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[1053] Nicolaïdis (2012) p.3

[1054] *Idem* p.4

[1055] Nicolaïdis & Cheneval (2016) p.2

[1056] Lacey (2017) p.83

[1057] "A single European demos is not just implausible but undesirable if the EU polity is to set aside the Schmittean temptation to define itself against 'others'" [Nicolaïdis (2012) p.2]

[1058] Lacey (2017) p.92

[1059] At this point it is important to note that I am referring to the most simplified - and common - version of demoicracy where Europe is not conceived as a Demos. However, beyond the reasonable doubts that I have previously described regarding this non-existence of a European demos (Martí 2017), it is important to state that more sophisticated or developed accounts of the European demoicracy provide more nuanced views. Joseph Lacey, for instance, defines demos in a way ("an arena with sufficient identification among citizens across a polity to allow for forms of discursive participation and mobilization that make political claims directed towards common institutions of authority" [Lacey (2017) p.93]) that leads him to refer to a 'thin' European demos that interacts with the 'thicker' national demois [Lacey (2017) p.85]. However, that is not the account that I am presenting here.

[1060] Nicolaïdis & Cheneval (2016) p.3

[1061] *Idem* p.4

of polity"[1062]. If anything, the participation of the people - now very precisely and not judgmentally defined, as opposed to Beck - in the EU is part of the people's self-definition (i.e., membership at the EU is both the result of the people's permanent change internally as well as the cause of that sort of stable changing that demoicracy presupposes[1063]).

As opposed to the case of international communities, where an internal recognition of its members' status (i.e., autonomy) is combined with the external recognition of the community (i.e., sovereignty), the idea of a multiple demoi aims to overcome this distinction. In this approach, "peoples are *pouvoirs constituants* of the larger political unit, whose competences must be delegated case by case and unanimously by the peoples"[1064]. Democratic theory is thus very much based on the idea of popular sovereignty (understood as the ruled "procedural aggregate of the 'will' of the many real human beings to whom the status of citizen is conferred"[1065]). Where, then, is the understanding of sovereignty beyond the people? In the existence of the EU itself as a united set of common political institutions that peoples themselves freely arrange to "exercise political authority together"[1066]. The cosmopolitan element - very much in line with Beck's conception - is that even if the peoples are considered as the fundamental sovereign demos[1067], this is far from being - if it ever was - a self-enclosed sovereignty[1068], but a wider expression of the "basic intersubjective ideal of popular sovereignty"[1069]. In this sense, demoicracy aims to open popular sovereignty horizontally, not vertically with the identification of a sort of superior European realm of individual identity[1070]. In this way, the idea of shared sovereignty assumes the element of need resulting from the common challenges peoples face all over Europe, while breaking the sort of inevitability *ethos*[1071] that some Europeanists adscribe to EU membership. Shared sovereignty implies, therefore, agreeing on common means to control the people's sovereignty understood as institutionalised power[1072] (through common institutions' ability to revoke popular sovereignty[1073]) without renouncing power itself[1074] (through the possibility, mainly, of opting-out[1075]).

The last element of demoicratic theory that I consider better conceived regarding Beck's cosmopolitan ambitions, is that of the legitimacy of the decision making process. In this regard, at least two normative dimensions are worth of mentioning: the combination of

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[1062] Lacey (2017) p.86
[1063] Nicolaïdis & Cheneval (2016) p.12
[1064] *Idem* p.8
[1065] *Idem* p.9
[1066] *Idem* p.8
[1067] Lacey (2017) p.89
[1068] "The alternative to fusing the dêmoi into ever larger sovereign units at ever higher levels of integration is a stable order of multiple dêmoi exercising popular sovereignty together on the basis of certain fundamental rules which the sovereign dêmoi accept provided they are revocable ["Nicolaïdis & Cheneval (2016) p.3]
[1069] Cheneval & Nicolaïdis (2016) p.2
[1070] *Idem* p.6
[1071] Innerarity (2017) p.16
[1072] Nicolaïdis & Cheneval (2016) p.4
[1073] *Idem* p.7
[1074] Nicolaïdis (2012) p.9
[1075] Nicolaïdis & Cheneval (2016) p.11

the duty to focus on common responsibilities without conceiving them in statist terms (i.e., applying a transnational understanding of the 'all-affected principle' instead of the traditional notions of domestic law and democracy[1076]) with the people's legitimate decision on how to share the burdens of those transnational responsibilities[1077]. That is to say, demoicracy does highlight the 'people's' commitment to stay together "*in spite* of cost-benefit calculations"[1078]. Moreover, demoicracy believes that this commitment will in fact internalize decisions taken transnationally, avoiding the possibilities of blaming as an 'external enemy' the institutional frameworks where those decisions were taken. However, while asserting this commitment, demoicracy also highlights that the impact of these decisions for each people has to be managed by the people itself, not by a transnational superior ruler. The legitimacy of decision making, thus, is twofold: it is legitimate as it both commits the peoples to "the exercise of their power in mutually respectful way"[1079] and still accepts the people's right to internal self-determination[1080]. It is arguable that this way of proceeding favours "inclusion and compromise rather than exclusion and competition"[1081] which, in sum, is a substantial element of Beck's cosmopolitan ambition.

As I have argued, the idea of the European Demoicracy, with its ontologically ambiguous but procedurally realistic balance between the people's (nation's) internal self-determination and the need of fostering a sovereignty that commits citizens "toward the external world when certain common goods are in play"[1082]. As Daniel Innerarity argues, nations are in a process that requires adapting the democratic ideals in the same way as pre-modern political thinkers adapted democratic theories to spread legitimate sovereignty and decision-making beyond the local communities[1083]. The key element with the demoicratic theory is that it does so accepting that - just as in the case of pre-modern local communities with the rise of the nation-state - this will not necessarily imply the disappearance of national communities. The key change, in this regard, is opening self-determination transnationally, committing to *both* consider interests rising beyond the particular nation *and* lifting our interests beyond the particular national decision-making processes[1084]. Otherwise, particularly in the European context of interdependencies, even if a nation's internal self-determination might be formally recognised, it will not be sufficiently self-determined in fact[1085]. Furthermore, European Demoicracy does so "without this necessarily meaning a loss of democracy, in the same way that movement from Athens to Westminster cannot be automatically interpreted as

[1076] Nicolaïdis (2012) p.16
[1077] *Idem* p.6
[1078] Nicolaïdis & Cheneval (2016) pp.13-14
[1079] *Idem* p.18
[1080] Joseph Lacey provides a nuanced approach to this view (following Nicolaïdis' statement that demoicracy has lot to do with compound democracy [Lacey (2017) p.99]), arguing that this logic applies to the primary legislation at the European Union - where unanimous rule is required, although it could be arguable whether, and in which cases, unanimity is the best mechanism to grant self-determination - but not to the secondary legislation, where European institutions can direct or indrectly draw either on the citizens (European Parliament) or the peoples (Council and Commission) [Lacey (2017) p.103]
[1081] Lacey (2017) p.100
[1082] Innerarity (2015) p.2
[1083] Innerarity (2017) p.87
[1084] Innerarity (2015) p.3
[1085] *Idem* p.9

a loss of democracy"[1086]. Nevertheless, as Chris J. Bickerton. rightly states, the most relevant transformation in Europe is that its peoples are no longer nation-states, but member-states[1087], assuming that European decisions are also national decisions.

The only pending question - very much emphasized in Beck's proposal, although not well-developed enough on its actual functioning - that the demoicratic theory does not end-up duly addressing would be the need to open Europe beyond European borders. Even if, as I have argued, this is a pretty sensitive issue due to Europe's - unsolved - colonial past, the logic of transnational self-determination combined with cosmopolitan reflexivity necessarily calls on considering interest beyond European borders. However, this discussion either falls beyond the scope of this thesis - as it refers to debates on Global Democracy - or is too difficult to consider, in practical terms (i.e., beyond ideal theory debates), without a common institutional framework such as the one provided at the EU. Therefore, and to conclude, if any hope is to be expected, it would be the impact that membership in the EU has on the nations it encompasses. That is to say, the fact that through participation in such a demoicratic enterprise, nations develop a series of cosmopolitan abilities[1088] - e.g., the will to review the national 'self' from a critical distance, the recognition of one's limitations, the disposition to cooperate, etc. - with universal scope. That is precisely what I briefly review in Section III: now that I have argued a plausible path - still to be further explored - to articulate national diversity with common institutional arrangements capable of dealing with global risks without losing democratic legitimacy, I close by arguing how the cosmopolitan nations that participate in these arrangements should be conceived.

[1086] Innerarity (2015) p.13

[1087] As cited in Innerarity (2017) p.160

[1088] *Idem* p.247

Section III: Taking seriously cosmopolitan nationalism in Europe

In this third section, I first present the main proponents of a nationalist theory that aims to be compatible with a cosmopolitan view: liberal nationalism. However, I distinguish between conservative and non-conservative versions, as the latter's requirements for legitimate distribution are too demanding. I then introduce a very specific dimension of this compatibility between nationalism and cosmopolitanism: the fiscal distributions arguments as justifications for claims on external self-determination.

Trust and community bonds in a cosmopolitanized world

How should we conceive of nations, then, to meet both their duties and commitments in such a demoicratic regime (at least in the case of the EU[1089])? There is one very specific dimension of the principle of nationality that, despite being endorsed by most proponents of liberal nationalism with a cosmopolitan intent[1090], I find particularly problematic: the apparent link between nationality and trust. Nevertheless, that analytical framework is the one that usually blocks Beck's third ethical cosmopolitan principle that I have identified in Chapter 4 Section I: transnational solidarity. I have already addressed how Beck's cosmopolitan proposal fosters the two other principles, hospitality and cosmopolitan tolerance, as well as some nuances in the way he aims to articulate them politically. Now I will proceed to analyse the last principle. Nevertheless, although the subject itself falls beyond the scope of this thesis, I believe that global inequalities are, jointly with climate change, the main global risks that a cosmopolitan proposal has to address[1091]. In this sense, in addition to ensuring internal cohesion without undermining diversity (i.e., endorsing critical/reflexive multiculturalism) and committing to engage externally in a frame of cooperation (i.e., European demoicracy based on the principle of trasnational self-determination), I hold that a *tout court* moral cosmopolitanism is (or should be) the third fundamental principle constituting a cosmopolitan nation. Furthermore, I hold that a cosmopolitan

[1089] Nicolaïdis (2012) p.8

[1090] The debates about the morality of liberal nationalism from a cosmopolitan perspective are wide and fall beyond the scope of this thesis. However, for some of its main proponents see, among others: Berlin I. (1979): 'Nationalism: Past neglect and Present Power', *Against the Current*, Penguin; Taylor, C. (1993): *Reconciling the Solitudes*, McGill-Queen's University Press; Tamir, Y. (1993): *Liberal Nationalism*, Princeton University Press; Miller, D. (1995); Nielsen, K. (1998): 'Liberal Nationalism, Liberal Democracies and Secession' University of Toronto Law Journal, Vol.48, No.2, pp.253–295; Seymour, M. (2000); Gans, C. (2003) or Requejo, F. & Caminal, M., eds. (2011): *Political Liberalism and Plurinational Democracies*, Routledge

[1091] For a philosophical defence of the relevance of addressing inequality beyond the nation-state see, among others: Sen, A. (1982): *Poverty and Famines: An Essay on Entitlement and Deprivation*, Oxford University Press; Caney, S. (2005): *Justice Beyond Borders*, Oxford University Press; Cohen, G.A. (2008): *Rescuing Justice and Equality*, Harvard University Press; Barry, C. & Reddy, S. G. (2008): *International Trade and Labor Standards: A Proposal for Linkage*, Columbia University Press; Butt, D. (2009): *Rectifying International Injustice: Principles of Compensation and Restitution Between Nations*, Oxford University Press; Brock, G. (2009): *Global Justice: A Cosmopolitan Account*. Oxford University Press.

understanding of solidarity is essential to sustain the other two principles, as high levels of inequality jeopardise the possibilities of internal and external cooperation[1092]. Otherwise - and I share this concern with Beck[1093] -, cosmopolitanism could end up being a mere rhetorical device to perpetuate anti-cosmopolitan (exclusive, in this case) forms of nationalism, reproducing a dichotomy that has proven as fake as infertile (nationalism vs cosmopolitanism).

How did traditional forms of nationalism that resulted in present day nation-states depict the interaction between community, trust and distribution? The answer implied the link between a certain degree of homogeneity as the element that defines national communities where democracy, and therefore distribution of goods among the citizens, naturally occurred. They all viewed nations as the natural containers of democracy, that is, that national self-determination was a necessary condition for democracy to arise[1094]. However, while democracy was conceived as a civic feature of the state, nationality was in turn considered an ethno-cultural feature of the state[1095]. However, this view was challenged by diversity, either due to increasing levels of mobility or by the empowerment of sub-state national communities. This transformation resulted in two distinct but connected consequences: the rise of a civic conception of the nation understood as "a sense of common belonging among those who share civic institutions, with no exclusiveness towards any person or group willing to participate in them"[1096] combined with the assumption that national culture, being a complementary element of individual/collective identities, "provides an important moral and practical resource in an individual's existence"[1097]. In this sense, nationalism became more linked to the preservation of the national community's self-rule[1098] rather than to a sort of natural equation of nation-democracy-solidarity. The question, then, would be to show that claiming the relevance of the nation does not imply assuming an anti-cosmopolitan position[1099].

We have seen that individual bonds are being transformed in at least two senses: (1) identities no longer answer exclusively to national (transnational expressions of language, culture, citizenship)[1100] or nationally contained (transnational expressions of class, gender, religion) features and (2) national identities no longer answer to essentialized, homogeneous and hegemonic features. If that is the case, as I have tried to show by analysing Beck's work, what is the normative justification to restrict solidarity nationally? I am aware that this continues to be the pattern of distribution, but we cannot confuse the accurate description of the present situation with normative aspiration. In an increasingly cosmopolitanized word (or, at least, Europe), we are encouraged to rethink new ways of matching interconnected social worlds[1101] with a feasible fair distribution. Daniel Innerarity draws up this ambition in two main hypothesis that break the nation-state framework of distribution:

[1092] Beck, U. (2004a) pp.104-105
[1093] Beck, U. (2002), p.44
[1094] Harris (2009) p.35
[1095] *Idem* p.37
[1096] MacCormick (1999) p.170
[1097] Harris (2009) pp.37-38
[1098] Gans (2003) p.68
[1099] Kymlicka & Straehle (1999) p.84
[1100] Beck, U. (2004a) p.43
[1101] Beck, U. (1999), p.118

1. "These types of [domestic] solidarities can be constructed on a level that presents different characteristics of state space and, furthermore,
2. They have a constructive or emerging character that does not stem so much from old identifications as from practices shared through time and future expectations"[1102].

In this sense, following Innerarity's view will not imply plainly rejecting the nationalist claim that nations, understood as political communities, provide "the kind of mutual solidarity that trust in democratic institutions presupposes"[1103]. Nevertheless, it is not a position defending global democratic justice as a - necessary and irreversible - alternative to national political communities[1104]. Instead, it is a proposal to rethink the nation in order to make it compatible with transnational duties of solidarity.

The proposal that for the past nearly forty years has tried to build a case to make compatible those national bonds with the need of meeting duties beyond the nation state is that of liberal nationalism. The basic understanding of liberal nationalism - as, in any other debate, there are very nuanced proposals - is that "national identity has provided this common identity and trust"[1105]. However, the identity factor is not conceived as an ethnic attribute, but a shared commitment with self-governing institutions[1106], therefore enabling the combination of universalistic and individualistic principles[1107]: social justice; deliberative democracy; and individual freedom. However, a more demanding (thus conservative) account of liberal nationalism - as endorsed by Miller - does refer to the requirement of citizens to know each other in order to reasonably expect which their interests and beliefs will be[1108]. Still, the key point is that Liberal Nationalism believe that these goals "can best be achieved - or perhaps only be achieved - within *national* political units"[1109]. Thus, while not necessarily advocating for external self-determination, liberal nationalists do argue that some form of self-government, autonomy or sovereignty is required[1110]. The basis of this view is that individuals become moral agents in specific contexts[1111], which tends to generate a sort of patriotic preference[1112].

This assumption could be challenged, in a cosmopolitanized Europe, in three different but connected senses: (1) the existence of such a common trust at the national level, (2) the lack of existence of such a common trust at the EU level and (3) the justifiability of this position within demoicratic regimes from a normative standpoint. In what follows, I explain the first two elements, while I leave the latter for the second part of the section. If we focus on the first element, liberal nationalism argues that relationships between co-nationals generate the necessary trust to cooperate in spite of any potential

[1102] Innerarity (2014) p.5
[1103] MacCormick (1999) p.167
[1104] Torbisco (2015) p.1
[1105] Kymlicka & Straehle (1999) p.69
[1106] MacCormick (1999) p.173
[1107] *Idem* p.177
[1108] Miller (2011) p.10
[1109] Kymlicka & Straehle (1999) p.68
[1110] Goikoetxea (2014) p.3
[1111] MacCormick (1999) p.180
[1112] MacIntyre (1984) p.5

disagreement[1113]. On the basis of this argument, there is the claim that citizenship "is not just a legal status but has usually been linked to a specific national and political identity"[1114]. The question then, is what do liberal nationalists understand by specific national and political identity. On the latter, it seems reasonable to assert that common political identity refers to what has previously been defined as civic nationalism (communities of obligation[1115]). The problematic issue, thus, arises from the second element: national identity. According to Miller, building a community of distributive justice requires a unifying identity or common sense of nationality[1116], as mere cohabitation in the same political society is not enough to demand equal respect[1117]. In the opposite sense, a state that might endorse two nationalities will permanently face - due to its national diversity - the legitimacy of distribution[1118].

However, this view makes the assumption that a common sense of nationality has some intrinsic connection - beyond the fact that it has been the pattern in some places and times in history - with some essential cultural features. While I agree that sharing some cultural features *helps* to engage a community (the case of language being the clearest, though not exclusive), considering it a *requirement* is problematic in at least two senses. First, instead of focusing on the element that mainly breaks social cohesion - inequality, which can be culturally driven but precisely as a result of the irreflexive understanding of community defended by Miller -, focusing on the lack of shared national identity only results in exclusive tendencies. Moreover, it disregards both the ongoing reflexive individualisation and increasing heterogeneity in most European states. Can we reasonably expect in present-day Europe that a citizen in Bilbao has more notion of the interests, attitudes and beliefs of a citizen in Salamanca than a citizen in Paris or Rome? Furthermore, is the relationship with the rest of the constituency what makes citizens comply with their distributive duties, as Miller suggests[1119]? In my view, the answer is much more complex and has little to do with identity patterns of exclusion/inclusion. The alternative path, the one defended by Torbisco, highlights the relevance of either previous positive experience[1120], common interests[1121] ("especially when interests are perceived as 'culturally embedded'"[1122]) or common rules that citizens meet reciprocally[1123] to positively consider the role of national communities, but not as opposed to community bonds beyond the nation. A view that, in the case of the European Union[1124], helps to articulate solidarity duties beyond the national

[1113] Miller (1995) p.98; Miller (2011) p.8. As Torbisco argues, the trust resulting from the stronger bond of trust can make citizens excuse a betrayal more easily (and vice versa) [Torbisco (2015) pp.14-15]. While I share the intuition, it is important to note the risk of generating perverse incentives to adopt a position rules mainly by the *pygmalion or rosenthal effect*: that low expectations about the behaviour of those beyond the nation lead to less cooperative dynamics and, ultimately, even betrayal.

[1114] Torbisco (2015) p.21

[1115] Miller (1995) p.83

[1116] *Idem* p.95

[1117] *Idem* p.139

[1118] *Idem* p.84

[1119] Miller (2010) p.145

[1120] Torbisco (2015) p.13

[1121] *Idem* p.17

[1122] *Idem*

[1123] *Idem* p.10

[1124] While the EU provides a factual - non-ideal - framework where these elements may be considered as already in place, I agree with Torbisco that it seems hardly plausible - and maybe even non-desirable

communities without undermining their relevance in terms of fostering both close commitment and altruism.[1125]

In the case of the EU, the question then, according to a softer understanding of liberal nationalism (i.e., one that does not preclude solidarity bonds in diverse polities) advocates for "a conception that recognizes the possibility of 'trust building' without 'nation-building', thus allowing for communication and solidarity across diverse nations, cultures and identity groups"[1126]. I am not saying that a more conservative version of liberal nationalism does not conceive of this possibility[1127], but that the requirements it poses are hardly compatible with a cosmopolitan understanding of political communities[1128]. The case of the EU provides a promising ground in this regard as it is not based on a mere normative prescription[1129], but on the assumption that it constitutes a (potential) 'scheme of social cooperation'[1130]. As I have described, liberal nationalism holds that common citizenship within the nation is a requirement for distribution[1131] as it provides the necessary politicization of the public sphere. It departs from the assumption that citizenship provides a sense of 'equalness' that implies reciprocity, responsibility and the acceptance of restrictions on individual autonomy by the majority's decisions[1132]. The problem is that, on its conservative version, it is taken for granted that the EU cannot operate as a political community as "there is no single destination to which the European nations all need to be guided"[1133]. However, this dichotomy presupposes that within the nation this phenomenon happens naturally[1134], when it is the result of interactions - such as the ones being developed within the EU[1135].

Therefore, while it might be the case that the EU does not enjoy its higher levels of popular legitimation within the member-states[1136], it is precisely because it has renounced - at least de facto - inter-state solidarity, not because it aims to promote it. I am not arguing that promoting a common - vertical and horizontal - communication between citizens from different nations within the EU[1137] or a less nationalized education, as traditionally national features, will not help to foster this goal. I am just saying that it is far from being a requirement, as conservative liberal nationalism is. I am neither asserting that conservative liberal nationalism refuses to address the challenges we face as humanity: it just aims to address them merely from the nation-states by raising awareness between citizens (i.e., globally concerned citizens[1138]) and assuming that building democratic institutions beyond the nation states is an implausible

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[Torbisco (2015) p.16] - to conceive of them globally [Torbisco (2015) p.4], at least in the absence of duly institutionalised global civil society [Torbisco (2015) p.8]

[1125] Torbisco (2015) p.9

[1126] *Idem* p.5

[1127] Miller (2010) p.146

[1128] Caney (2005) p.175

[1129] Torbisco (2015) p.19

[1130] Beitz (1979) p.151

[1131] Miller (2011) p.2

[1132] *Idem* p.19

[1133] Miller (2015) p.188

[1134] Torbisco (2015) p.22

[1135] Lacey (2017) p.98

[1136] Bengoetxea (2015) p.67

[1137] Lacey (2017) p.97

[1138] Miller (2011) p.23

goal[1139]. However, as we have seen, there are reasonable arguments to hold that the EU constitutes a political community where reciprocity, responsibility and acceptance of restrictions are institutionalised in a way that could meet the requirements of a softer understanding of liberal nationalism. In this sense, insofar as national identity is not linked to any essential features and the level of trust necessary for common redistribution is conceivable beyond the national political community, a soft understanding of liberal nationalism seems compatible with a cosmopolitan understanding of the nation. None of this implies ignoring the difficulties to actually advance such a distributing arrangement at the EU based on the principle of solidarity[1140], but as said before, these difficulties also arise in national political communities without necessarily blocking solidarity. The question, then, would be which is the minimum cosmopolitan requirement to accept liberal nationalist positions regarding distribution within a demoicratic regime. That is what I call the scope of fiscal distribution argument as a justification for external self-determination.

The scope of fiscal distribution as a case of balancing national features and cosmopolitan duties

Having tentatively addressed the understanding of transnational solidarity defended by liberal nationalism from the perspective of both Beck's theory of cosmopolitanization and a demoicratic understanding of the EU, I may now finish reviewing what I found to be the most extreme case of tensions between the cosmopolitan duty of solidarity beyond the national political community and the claim for self-determination: the justification of external self-determination on the basis of fiscal distributive arguments. I am aware that it is a complex issue[1141] and thus I am not willing to provide a definitive answer. However, I would like to show that Beck's synchronic logic - or, more explicitly, breaking with the either/or logic - opens a potentially fruitful path to unpack the conundrum: is a claim to external self-determination ever justified based on claims about fiscal distribution? Cosmopolitan theories tend to give an almost blanket negative answer[1142]: claims on fiscal distribution are not a valid justification for external self-determination. They do so on the basis that there is nothing morally relevant about residence within a state that could justify intra-state distributive justice duties and deny them beyond borders. However, this implies omitting that distributive duties are not decided within the laboratory of reason, where intervening conditions and factors are under control, but on real political frameworks, where politics do not necessarily (or at least not only) answer to rational patterns. That is not saying that those frameworks cannot change, but that any attempt to propose feasible distributive duties beyond the national political community should consider all the elements of the equation: that is, *both* the collecting ability, special needs, accountability and budgetary trade-offs criteria at the national level[1143] (among other issues better addressed nationally that, thus,

[1139] Miller (2010) p.158

[1140] Torbisco (2015) p.26

[1141] See, for instance, Caney (2005) pp.172-182 for a radical cosmopolitan opposition to self-determination, although in my view, even if the analytical reasoning is strong, it is based on a mistaken understanding of nations and nationalism (as, for instance, compared with religious attachment).

[1142] Caney (2005) p.111

[1143] Nicolaïdis & Cheneval (2016) p.9

require some level of internal self-determination) *and* the duties of justice beyond the nation.

In the case of intra-state arrangements where sub-state nations claim self-rule - understood as having some constituent power and capacity to challenge the understanding of the common good fostered by the majority[1144] -, multinational federations seem the best formula to *both* grant distribution *and* avoid majority domination[1145]. However, as I have already stated throughout the chapter, we can neither compare the EU with an intra-state federal arrangement nor aim to build universal principles through the standardisation of local arrangements (i.e., what might work in the case of Canada, for instance, will not necessarily work in Europe for contingent - historical, demographic, geographical, political - but unavoidable reasons). However, there is a body of literature that has been mainly developed to address claims of external self-determination by sub-state nations that provides valid normative guidelines. Nevertheless, although nation-states in a supranational arrangement such as the EU and sub-state nations in federal arrangements are different in many aspects, the claims for external self-determination based on fiscal distribution arguments do not differ that much[1146]. The main lesson we may learn, thus, from those debates is that beyond the right-based approach to external self-determination (mainly remedial right or just cause theories and primary right approaches[1147]), a claims-based approach provides the framework to analyse the justifications underlying the claim. This is to say, a claim-based approach does not place as much attention on using external or material elements to define whether a national political community is entitled to the right of external self-determination, but on the validity of the normative grounds in which the ad-hoc claim is justified. That is why I argue that in order to decide whether claims on external self-determination are compatible with cosmopolitan principles, we must first decide a minimum set of principles in this regard.

Before doing so, I will sketch up what I consider the reasoning underlying the fiscal distribution argument to justify claims of external self-determination. In particular, I will address one specific case, that refers to the question of "why should A distribute with B at all". That is to say, arguments about fiscal distribution that challenge the scope of the fiscal distribution[1148] and, accordingly, justify A's claim to secede from B on that basis. The argument, on the basis of the scope, will be as follows:

1. A is a set of citizens that channels their claims through the institutions of nation A'.
2. B is a set of citizens that channels their claims through the institutions of nation B'.
3. Nation B' encompasses nation A'

[1144] Keating (2001) p.161

[1145] Gagnon & Grégoire (2015) pp.85-92

[1146] The case of the UKIP's 'Lets fund the NHS instead' and the Lega Nord's claims about financing Southern Italy are based on similar normative grounds regarding fiscal distribution.

[1147] Sanjaume & Requejo (2015) pp.110-115

[1148] I am aware that other dimensions could arise regarding these issues, including (1) what defines the present scope of distribution, (2) which principles of distributive justice should apply once the scope is defined, (3) what is the process - democracy or other kind, if legitimate - to determine adequate levels of distribution, (4) what are the responsibility requirements, if any, of those benefiting from the distribution, or (5) what are the accountability requirements, if any, of those benefiting from the distribution.

4. As the set of citizens A belongs both to A' and B', citizens belonging to A distribute their resources with citizens belonging to B.
5. The set of citizens belonging to A challenges their duty to distribute with B: they argue that members of A are morally entitled to distribute with members of A and members of B are morally entitled to distribute with members of B.
6. The set of citizens belonging to A justify their claim to secede from B' based on the claim that are not entitled to distribute their resources with the members of B. Tats is to say, the citizens belonging to A challenge the scope of the fiscal distribution.

Therefore, if we want to know whether, from a moral point of view, the fiscal distribution argument that challenges the scope of the distribution is a valid justification for a secessionist claim, we may refer to the moral account we endorse. In my case, a *tout court* cosmopolitanism.

Moral cosmopolitanism is mainly focused on the scope of our moral duties and rights. However, debates on theories of justice are also very much conditioned by three other features: the content, site and strength of the principles we endorse. The content refers to the aim of the theory of justice, that is, what does a theory of justice require to consider its object as just or unjust. Egalitarianism is the most common content of cosmopolitan theories: granting equal treatment (what) to ensure equality of opportunities (what for). The site of justice debates who should be implementing the principles settled by a theory of justice. Finally, strength refers to the way the theory aims to enforce the principles it advocates. It is quite uncontroversial to assert that the common answer is that the principles are enforced through legitimately settled rights to which subjects of justice are entitled. My conception of a *tout court* cosmopolitan theory of justice requires, in this sense, embracing a minimum moral account that, beyond being broadly egalitarian, applies to power exerting agents and channelled through legitimately settled rights, does not define any exhaustive set of principles on the content, site and strength of justice. The key element, then, is the scope.

The cosmopolitan accounts of justice challenge[1149] the traditional assumptions that political borders define the duties and rights we have and owe each other. These views depart, broadly, from the premise that we cannot subsume the application of the principles of justice we may endorse to arbitrary reasons (e.g., gender, race, origin). Political borders, being as contingent and arbitrary as they are, cannot define our moral duties: the mere fact that individuals belong to one particular group rather than another has no bearing on what they are owed as a matter of justice. This does not imply that cosmopolitan moral theorists plainly reject or consider it necessary to eliminate political borders, at least in such *sufficientarian* accounts (i.e., the accounts that agree that once we meet the minimum duty of justice we may consider other factors, such as special-relations, when distributing). Moreover, they are relevant for some individual rights (just as with any other association, once you join the common political community, you acquire specific duties towards members of the state). The point, instead, is that membership in certain groups alone (i.e., as a result of accession itself) does not affect individuals' rights to the freedom and resources they need to lead a flourishing life[1150].

[1149] Fabre (2012) pp.17-48

[1150] Other accounts claim that the duty should be restricted to the less demanding duty of granting the resources to lead a decent life. Even if deciding this specific aspect falls beyond the scope of my thesis - and, in any case, it will not affect the argument about the scope of the distribution -, at least in the case of

Similarly, it does not define the imposition of corresponding duties, even if it may imply sacrificing one's own interests. Cosmopolitanisms challenges the idea of considering "patriotic partiality" not only to define who are subjected to a certain set of rights and duties but also when weighing among conflicting rights. That is to say, moral cosmopolitanism rejects the idea that the label 'domestic' has any moral relevance to define the scope of the principles of justice we may hold. Neither to define which subjects are entitled to the rights and duties we may derive from those principles nor to prioritise certain rights over others.

Instead, moral cosmopolitanism argues in favour of a universal and general scope of morality: it is based on principles that anyone can reasonably agree with anywhere (universal) and advocates for the application of those principles everywhere (general). Still, this very basic assumption opens a long path for discussion on controversial issues such as: whether the cosmopolitan duties of justice are negative or positive; whether they apply only to collective means of justice or also to an individual's everyday life; whether a cosmopolitan account of justice that rejects political borders as a morally relevant element could be compatible with holding other arbitrary factors as morally relevant; or whether we are entitled to the right of a flourishing life or something less demanding such as a minimally decent life. Being these disputes as they may, we can still state a minimum set of principles that a *tout court* cosmopolitan theory of justice should endorse[1151]:

1. The equal worth of individuals as the primary *loci* for moral concern and respect.
2. The individual right to equality of opportunities to access the freedom and resources they need to lead a flourishing life.
3. The individual duty of providing the necessary freedom and resources to other individuals so that they can lead a flourishing life.
4. The moral irrelevance of political borders, as arbitrary factors, to primarily limit those rights and duties.

Nevertheless, there is no a priori incompatibility between holding a *tout court* cosmopolitan moral account and still considering that territorial self-determination, group rights and even political institutions (following Wayne Norman's understanding of the Rawlsian view) have some value as a mean to preserve cultural identity, common goods, contexts of choice, or, in a stronger sense, fundamental rights, security and democracy. The key point is that none of those principles has intrinsic moral value, but either instrumental (i.e., necessary to grant other morally valuable issues, such as those explained in Chapter 3, Section III) or secondary (i.e., relevant to meet once we have met our primary duties). Therefore, as opposed to other moral accounts also focused on defining the scope of justice, cosmopolitanism will always consider borders arbitrary and, therefore, morally **instrumental** or **secondary**. That is why endorsing a *tout court* moral cosmopolitanism, whatever the value it gives to special relations, implies setting **certain limits** on those elements of statehood, territoriality, citizenship, nationality or sovereignty that I have described in the first part of the section. In particular, it implies rejecting any position that questions the scope of our duties.

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the EU it seems reasonable to agree that lifting the moral requirement would be in line with the goal of building a frame of cooperation pursued by demoicratic theories.

[1151] Fabre (2016) p.3

This *tout court* cosmopolitanism, applied to the practical case of claiming external self-determination, has a double - and connected - slope: theoretical and political. On the theoretical slope, we may argue that in a cosmopolitanized world special relations between fellow citizens are permanently transforming. Thus, it is plausible to think that the scope of citizenship is not defined a priori or in absolute terms. In that sense, external self-determination will imply modifying the scope of national citizenship, but citizenship has wider implications than those restricted within a nation, particularly at the European Union. If we accept that, according to the moral principles of a *tout court* cosmopolitanism, our rights/duties are not (only) restricted by political borders, then changing the scope of national citizenship is not morally problematic per se. Little wonder, even if special relationships between fellow citizens are transforming and morally secondary, nationality still can have relevant value that a fair system cannot ignore (as argued by liberal nationalist theories). Therefore, from a moral point of view, the fiscal distribution argument for secession can be considered valid if and only if it does not challenge the *tout court* cosmopolitan duty to grant access to the resources needed to lead a flourishing life. This is to say; it will be valid if the secessionist claim is not based on questioning the scope of distribution but on some other dimensions of distribution (see footnote 1147). More specifically, I argue that A can argue that it wants to stop belonging to B' if and only if A leaving B' does not affect the scope of redistribution between B and A. This is to say, if and only if A maintains the *tout court* cosmopolitan moral duty of granting B access to the resources needed to lead a flourishing life. This can be granted at least in two cases:

1. Either by maintaining flows of resources from A' to B' that will not make B worse than when A belonged to B'
2. or in the case that the starting point of B (i.e., the situation of B when A demands seceding from B') is already beyond the threshold in terms of having the necessary resources to lead a flourishing life.

This account is susceptible to at least five critiques that I briefly address as follows:

1. 'It shows a status-quo bias': this is true, but merely insofar as the status-quo is a frame of potential redistribution and cooperation. In fact, the status-quo bias also applies to the seceding nation, to whom demoicratic theory grants internal self-determination. In other words: the fact that I consider both the specific institutional arrangements in which nations are endorsed and the specific borders of the nation itself contingent (although in both cases I recognise that they do not arise all of a sudden) does not mean that I consider them less valuable.
2. 'A federal contractualist theory of justice could provide an adequate solution': apart from the already mentioned difficulties to conceive of the EU as a federation, the *tout court* cosmopolitan principle aims to define a deontological guideline, while a federal contractualist theory requires a contextual element hard to ensure: federalists.
3. 'The sufficiency ambition of granting a flourishing life is ambiguous': even if that might be the case in theory, there are several authors developing specific accounts of the distributive duty (Follesdal 2001, Van Parijs 2015, Shorten 2015, Boucher 2015). In any case, the fact that we may disagree on what 'a flourishing life' means exactly does not mean that the principle is normatively inadequate, but that we may deliberate to specify its content in each case.
4. 'There might be alternative ways to grant that level of sufficiency': if that is the case - via transfers from other wealthier member states within the EU, for

instance -, then in purely consequentialist terms it will not be problematic. However, the virtue of the more principle-based approach is that it avoids generating perverse incentives to challenge the *tout court* cosmopolitan duty to distribute beyond the nation-state borders.

5. 'The case of instinctive preferences': according to this view, it is naturally determined that human beings prefer to distribute among those who share our identity or preferences[1152]. However, that might be in the case of individual behaviour, in this case I am not arguing that we should completely ignore that - as, for instance, a non-relational cosmopolitan will hold -, but that those preferences should be limited by the institutions. In this sense, I argue that history is full of cases where institutions behave as actors that foster moral progress even if the allegedly natural tendency of the individuals might not initially match those decisions (gender equality, equal status for ethnic and racial minorities or empowerment of aboriginal peoples / first nations being the paradigmatic cases).

However, there is a more problematic element in this argument: that even if it might work in theory (i.e., even if a *tout court* cosmopolitan duty could be met while also granting external self-determination), it still is problematic in practice:

1. The exclusive nationalism's slippery-slope: even if the fiscal demands raised by A regarding distribution with B might be morally valid (i.e., do not question the scope of the distribution, but other elements from those stated in footnote 1147), there is no certainty (quite the opposite, according to historical evidence) that those reasonable motives will not escalate to unreasonable political dynamics, including A questioning distributing to B at all.
2. The pure-conflict problem: while A belonging to B' provides institutional grounds for cooperation, even if A seceding from B' may maintain the distributive framework, it will eliminate that ground in other areas, opening the door to pure conflict dynamics that might result in eliminating distributive flows.
3. The perverse incentive argument: even if A does not openly question the scope of the distribution (i.e., accepts distributing with B) and the "fiscal distribution argument" is allegedly focused on other grounds (domination or ignoring the basic terms of integration), it might be the case that, in reality, A does not want to distribute with B at all. While A belonged to B', the distributive flows were granted. However, once A secedes from B' and despite meeting the duty of distributing with B, it sounds reasonable to predict that the distribution will not be as optimal as when A belonged to B'. In this sense, A might have a perverse incentive to appeal to the fiscal distribution argument without questioning the scope as a mean to limit the distribution with B - or even completely withdraw from the scope of distribution - on the basis of unfair justifications.

In sum, even if it might be theoretically compatible to hold the "fiscal distribution argument" in favour of secession with a *tout court* cosmopolitan account, in practice this position can lead to morally despicable consequences. However, some of the secessionist claims that appeal to the "fiscal distribution argument" (the case of Catalonia being paradigmatic[1153]) are framed in a context where those reasonable

[1152] See the Social Judgment Theory Experiment

[1153] Requejo & Sanjaume (2015) p.128

motives to raise the fiscal distribution argument are symptomatic of deeper problematic issues or structural patterns, such as democratic deficit, lack of recognition/pluralism, homogenising trends, anti-pluralist views, etc. Patterns that, in sum, not only are compatible with a *tout court* moral cosmopolitanism but even against some accounts of political cosmopolitanism that favour multinational federations or demoicracies. Therefore, in order to avoid the potential morally problematic consequences of the "fiscal distribution argument", it appears more prudent to appeal to the problems underlying the "fiscal distribution argument". In sum, I argue that the secessionist claim based on the "fiscal distribution argument" is not theoretically incompatible with a *tout court* cosmopolitanism insofar as is not focused on questioning the scope of distribution. However, it can lead to several dynamics with morally problematic consequences. Therefore, even if it is not necessarily problematic, it sounds more cautious to avoid the "fiscal distribution argument" and focus on the underlying problematic structural patterns (lack of empowerment or domination).

In sum, it seems plausible to consider that a demoicratic theory of the European Integration process, as it is based on the aim of combining both national (people's) diversity and a frame of common democratic institutions, should require that liberal nationalist's claim within the demoicracy meet the sufficientarian duty stated by a *tout court* cosmopolitanism. As I have stated at the beginning, this is a path that requires further exploration. However, my aim was not to provide a definitive answer but to show that following Beck's synchronic logic could open a reasonable research path to combine the duty of solidarity with the right to internal self-determination or even external self-determination (if circumstances apply). A way of reasoning that, as I will argue in Chapter 6 regarding a particular controversy between a supranational institution and a member state, has even further applications.

6. WHO (AND WHY) DECIDES IF PRISONERS HAVE THE HUMAN RIGHT TO VOTE? A REVIEW OF THE TENSIONS BETWEEN UNIVERSALITY AND DIVERSITY ON THE EUROPEAN COURT OF HUMAN RIGHTS

In this last chapter of the thesis, I aim to address a very particular controversy in Europe that directly touches upon the tensions that Beck's cosmopolitanism aims to overcome. In this case, the tensions arise between universal understanding and local applications of Human Rights. Nevertheless, according to Beck, "a cosmopolitan legal ethics completely inverts relations of priority, so that the principles of cosmopolitan law trump national law"[1154]. However, once we refer to a specific case happening within a concrete institutional framework such as the one built upon the European Convention of Human Rights (ECHR), it is no longer a matter of prevailing principles but of prevailing authority. That is why I could have titled the chapter '*Is the United Kingdom's Nationalist Position toward the European Court of Human Rights (ECtHR) regarding Prisioners' Right to Vote Morally Justified? A Normative Review*'. Nevertheless, as I argue, the underlying particularistic-universalist controversy regarding Human Rights' Protection (HRP) in Europe illustrates several assumptions on sovereignty, the nation-state's legitimacy and democracy that need to be reviewed. That is, a conflict that illustrates the need to renew our concepts defended by Beck's methodological cosmopolitanism.

Before going to the specific arguments, I would like to introduce how I consider that conceptual misunderstanding. In one of his latest books, *Justice: What's the Right Thing to Do?*, the American philosopher Michael Sandel offers an example on how categories may condition our approaches to dubious realities. Sandel analyzes the case of a student who, despite her excellent grades, was not able to enrol in an American public university. The reason for the rejection was that the university needed to accept several applications from the Afro-American and Hispanic minorities. After describing the case – that the student brought to the Supreme Court, with negative results –, Sandel wonders whether it is a racial or ethnic discrimination case (the student was white) and concludes what follows: asking if in this case the student had been discriminated against when she was rejected despite her excellent qualifications implies assuming that the university is an institution thought to favour students' academic merits. If we assume that premise, it seems hard to deny that the student was discriminated against due to her race or ethnic origin. However, as Sandel notes, the university's last aim is not necessarily to reward academic merits: the university's goal might be to work on the development of a better society (a society where racial equality is not merely formal but actual, for instance) and, therefore, the access requirements may be in accordance with this particular aim. The affirmative action measures set by the university were in no case introduced so as to rule out white students. As the student thought that the essential access parameters were just-meritocratic ones, she necessarily reached the conclusion that she had suffered discrimination. However, it cannot be said – and the Supreme Court's decision pointed to this – that it was a discriminative measure as that was not the aim of the measure.

1154 Beck, U. (2004a) p.170

This case illustrates that weighting whether a measure implies discrimination cannot be analyzed without clarifying what we mean by discrimination and checking if the particular case meets its features. In the same way, we cannot value whether a judicial decision respects States' Margin of Appreciation (SMA) if we do not properly define what it means, what it is aiming to protect or grant and the features it covers. As Sandel's case exemplifies, the outlook and categories from which we depart necessarily determine the conclusions we are reaching. On the broad HRP debate and the particular case of the ECHR, the relation between sovereign states and the conventions' HRP system has been long debated. However, the debate fails because of two key errors: first, the categories that focus the debate do not fit empirical references in which the HRP is framed in Europe and, second, the underlying moral justifications for sovereignty are mixed up with political interests and practices that have nothing to do with normative claims. The particular case of the SMA mechanism applied by the ECtHR regarding PRV, as I analyze in Sections I and II, clearly shows this inconsistency between the way some legal principles – i.e. sovereignty, self-determination, subsidiarity, etc. – are understood and what they originally aimed to protect.

As I have explained throughout the thesis, in a cosmopolitanized world, nations and nationalism cannot be conceived in the same terms as in first modernity. In this scenario, what role do territorially defined and apparently sovereign political institutions play? And, in the concrete case of HRP, how should we articulate the breakup with modernity's container societies[1155] with an institutional framework that clearly continues to be demarcated by nation-states? Does the case ilustrate a tension between the "cosmopolitan elite and the territorialized mass"[1156] or are the last resistences to transformation toward a "Transnational State" [1157] or "Inclusive Sovereignties" [1158] model? I depart from the premise that the Human Rights Protection (HRP) system of the Council of Europe is not only compatible with the Respect of the European Diversity (RED) but it also needs to incorporate that diversity in order to be truly effective (as opposed to Beck's view that seems reluctant to consider national self-determination in cases of HRP[1159]). The main point here is how we define that diversity, which moral weight we assign to it and how we implement a system that, while accommodating diversity, does not fall into a state-based relativist approach to HRP. The current system is struggling between the socio-historical legitimacy of the nation-state model and the actual need of facing transnational issues (i.e., facing the paradoxical reality of shared transnational risks together with particular answers currently faced in Europe[1160]), such as the universal HRP. Nevertheless, due to the need of interpretation intrinsic to fundamental rights, the HRP exemplifies this debate.

Throughout this chapter, I will focus on the European Convention of Human Rights (ECHR) case departing from a pragmatist standpoint: even if there might be a wide consensus regarding the need of a HRP system among ECHR signatory states, diversity is also an actual feature of the European societies that cannot be ignored. In this chapter,

1155 Gellner (1987)
1156 "Tras la experiencia del nazismo y la segunda guerra mundial, los impulsores de la integración europea sospechaban por principio de la idea de soberanía popular; este es el motivo por el que la unión ha tenido siempre una arquitectura que limitaba las soberanías" Innerarity (2013) p.4
1157 *Idem* p.8
1158 Beck (1997) p.188
1159 Beck, U. (2004a) p.122
1160 *Idem* p.2

I aim to determine whether overcoming this feature is normatively desirable or not (an issue I already addressed in Chapters 3 and 4). I will not present an institutional or legal proposal for the reform of the European Court of Human Rights (ECtHR), as the main body in charge of ensuring a proper HRP in Europe. What I analyze is the philosophical implications for those who defend a purely transnational model (tending toward a more cosmopolitan conception of HRP) and those who advocate for a more state-centred proposal. The case of the HRP is a clear case as both levels of the system keep clashing in an apparently dead-end debate. I thus review the background assumptions in order to clarify the implications of considering diversity a morally valuable issue. I argue that neither the conservative nationalist approach (that confuses respect towards diversity with respect towards nation-states' primary sovereignty) nor the blind cosmopolitan approach (which, from a mainly individualistic scope, denies or diminishes the relevance of diversity) provide an adequate solution. I present an argument in favour of a cosmopolitan approach, compatible with or consubstantial to non-conservative liberal nationalism, as the best mean to grant both issues. Having said this, I will not explore the following inquiries in this chapter: Who defines the proper interpretation of Human Rights? Which rights should be considered Human Rights? What is the best way of channelling the judicial dialogue in Human Rights' issues? Even though these are relevant questions and should be faced in order to improve the HRP implementation, they do not fall under the scope of my thesis. On the contrary, I try to answer the following three main theoretical questions: (1) Why should we take diversity into account when granting Human Rights protection? (2) Which moral background assumptions – i.e., the subjects of the rights, the aim of the rights, the principles underlying the rights, etc. – should we consider in order to build a morally valid and politically sustainable proposal? And (3) how should we operate in order to balance diversity with HRP?

In order to do so, I develop the argument by first presenting, in Section I, the current HRP system at the Council of Europe. In order to do so, I analyze the most relevant mechanisms applied by the ECtHR in order to ensure the signatory states' scope of deference: margin of appreciation, subsidiarity and dynamic interpretation through consensus. I then follow by presenting, in Section II, the controversies in the UK referring to the PRV with regard to the Free Elections Right covered by Article 3 of the First Protocol of the ECHR. The case law regarding this particular right – as well as the doctrinal approach to the topic – clearly exemplifies the tensions between those who advocate for a national interpretation of certain Human Rights and those who believe they should be decided by a transnational court. Once the main features of the European HRP framework have been presented, in Section III, I consider the main theoretical background assumptions of those who address this tension: Cosmopolitan Supra-Nationalists and Conservative State-Nationalists. I argue that both perspectives share a common misunderstanding: confusing the duty to accommodate national claims to internal self-determination with the duty of granting external self-determination. In this regard, I go through the moral and political philosophy aspects underlying the conflict. I do not address the chosen case, the UK's debate on the PRV, in order to clarify the right answer to the question of "whether prisoners should be subjects of the Human Right to vote". In this chapter, I focus on the analysis of the main arguments of the debate both among those who defend the UK's (mainly Parliament's) authority to make a decision on the interpretation of this Human Right – even suggesting the UK's withdrawal from the ECHR[1161] – and those who argue in favour of ECtHR authority to decide on the

1161 Harris, O'boyle, Bates & Buckley (2014)

issue. This is to say, I do not argue about whether prisoners do actually have the right to vote but who (and why) should be ruling over this issue in which HRP is at stake. I conclude by stating that, even if according to political reasons fostered by a theory of demoicracy, the UK is entitled to withdraw from the ECHR, there are strong moral reasons to oppose this decision on the basis of a cosmopolitan account. That is, even if the UK is entitled to opt-out from the Convention - as it is entitled to withdraw from the EU -, the position only holds if you assume an either/or logic. Which, as I have argued, is incompatible with a cosmopolitan view of international relations.

Section I: Dynamic Interpretation, Margin of Appreciation and Subsidiarity at the Human Rights Protection System of the Council of Europe

In this section, I introduce and review the main scope of deference mechanisms applied by the ECtHR in order to articulate universality of HRP with particular national contexts of the member states: margin of appreciation, dynamic interpretation and subsidiarity. I conclude by arguing that the existence of these mechanisms ground an interaction that could be conceived as part of European democracy.

Definitions and doctrinal review

As already mentioned, the European Convention of Human Rights takes care that both its decision-making processes and, mainly, the resolutions of the ECtHR grant certain scope of deference to its Member States as a means to grant the diversity inherent to the Convention's composition. In order to do so, it resorts to three main mechanisms: dynamic interpretation, margin of appreciation and subsidiarity, the three of which are clearly interlinked.

Regarding the dynamic interpretation, the fact that the foundational Treaty was initially signed back in 1950 implies that its content needs to be adapted to the new socio-political realms in which the law needs to be applied. Despite the polemics this might have raised, it is important to note that, when signing the Convention, the contracting parties were not accepting a substantive legal framework[1162] – such as when fishing quota agreements are signed – but a shared general goal[1163]: integration through values (i.e., democracy and fundamental rights). From then on and after several enlargement processes, currently 47 Member States share a common normative standard on such a sensitive issue as setting up a HRP system and supervising its compliance[1164]. However, as the reality to which that goal must be applied is changing, judges on the ECtHR need to appeal to judicial creativity so as to elaborate "rights that are already protected"[1165] by the Convention. The way the ECtHR determines whether a certain legal approach is already accepted as a way to protect a Convention Right – this is to say, the way they decide when judicial interpretation may be applied without falling in judicial legislation[1166] – is by consensus: when adapting the convention to the state of affairs, assuming its *dynamic* character, the "Court must make a judgment as to the point at which a change in the policy of the law has achieved sufficiently wide acceptance in European states to affect the meaning of the Convention"[1167]. This does not mean that the Court waits until the defendant state agrees with the general view shared by the MS, but that once there is a majority agreeing on certain legal issues – such as avoiding ethnic discrimination as a condition for the Right to Free Elections – the Court assumes that interpretation as part of the HRP system.

1162 Harris, O'boyle & Warwrick (2009) p.7
1163 Bustos (2012) p.1
1164 *Idem* p.3
1165 Harris, O'boyle & Warwrick (2009) p.7
1166 *Ibidem*
1167 *Idem* p.8

With reference to the Margin of Appreciation, the abstract content of the Convention and the variety of states that have joined the ECHR since its founding brought the Court to introduce a mechanism to avoid authoritative decisions – although it is not clearly defined and several times it is not even explicitly included in the ECtHR decisions[1168].

The first time the ECtHR referred to it was in the *Handyside v UK decision*:

> By reason of their direct and continuous contact with the vital forces of their countries, state authorities are in principle in a better position than the international judge to give an opinion on the exact content of those requirements [of morals] as well as on the 'necessity' of a 'restriction' or 'penalty' intended to meet them…
>
> Nevertheless, Article 10(2) does not give the contracting states an unlimited power of appreciation. The Court, which, with the Commission, is responsible for ensuring the observance of those states' engagements, is empowered to give the final ruling on whether a 'restriction' or 'penalty' is reconcilable with freedom of expression as protected by Article 10. The domestic margin of appreciation thus goes hand in hand with a European supervision[1169].

In a more technical way, "'margin of appreciation' refers to the power of a Contracting State in assessing the factual circumstances, and in applying the provisions envisaged in international human rights instruments"[1170]. Or, as Harris, O'boyle and Warwrick declared, MA "means that the state is allowed a certain measure of discretion, subject to European supervision, when it takes legislative, administrative, or judicial action in the area of Convention right"[1171]. At the heart of this mechanism is the assumption that individual rights, national interests, diverse moral convictions, etc. collide with each other as a result of the distribution of power in Europe. Therefore, as Sapienza asserts, "a MA is necessary when the ECtHR is confronted with the "undetermined expressions" in the Convention text, necessitating an "external" basis for its decision, like factual elements or value judgments"[1172]. In other words, the MA is used to accommodate the inherent diversity of the ECHR[1173].

Moreover, the MA grants certain levels of discretion to the Member States: both in situations in which the convention is not clear enough regarding a dynamic social situation and in those "particular questions of a given case in the absence of overall enacted or case law"[1174], the ECtHR leaves the decision to the domestic courts. The way discretion is applied depends on the consensus regarding a certain right as well as the relevance of the right at stake (as the court cannot generate legal uncertainty, regarding

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1168 "The reference to the margin of appreciation is extremely short, using standard expressions such as "notwithstanding the state's margin of appreciation" or "having regard to the domestic margin of appreciation". Often also no reference to the doctrine is made, although it is clear that the idea of a margin of appreciation plays a role underlying the Court's legal reasoning" brems (2001) p.363
1169 Harris, o'boyle & warwrick (2009) p.12
1170 Bakircioglu (2007) p.711
1171 Harris, o'boyle & warwrick (2009) p.11
1172 Brems (2001) p.362
1173 "The margin of appreciation doctrine can be used to accommodate a wide range of particularity claims, related to cultural values, as well as to other elements such as the economic context, the security context, the political system, or the legal system" *Idem* p.363
1174 Bakircioglu (2007) p.711

the former, nor rule against standards, regarding the latter[1175]). Therefore, considering that there is not such a thing as a clear doctrine or methodology on the application of the MA, controversies arise depending on the case[1176] and the particular techniques[1177] that the ECtHR may apply. In any case, it is important to remark that despite the tensions that may rise, the margin of appreciation does not undermine HRP in Europe as "the Court's reliance upon any European consensus is acceptable in that it is likely to be in accordance with recognized human rights standards"[1178].

Finally, referring to the subsidiarity, it means that "the state should itself decide democratically what it is appropriate for *itself*"[1179]. Based on this premise, the Court operates in a quasi federal court manner (in accordance with demoicratic principles) assuming that the "initial and primary responsibility for the protection of human rights lies with the contracting parties" [1180]. In this way, the Court assumes a supervising role focusing on the observance of the HRP by the legislative, executive and judicial organs of the contracting states. This power of review is also on the basis of the European consensus: regardless of the arguments that the ECtHR judges may present, if the issue at stake reflects "a practice followed in a number of European states or where practice is widely varied"[1181], the Court will not open legal proceedings against the state. Securing the rights and freedoms in the Convention (Article 1) depends on each member states' law and practice, although "the Convention has now been incorporated into the law of all the contracting parties"[1182]. The direct effect clause, therefore, does not apply to ECtHR decisions since it is each contracting state's duty to "implement Strasbourg judgments in accordance with the rules of its national legal system"[1183].

The scope of deference mechanisms in practice: tensions uncovered

In order to analyze the decisions by the ECtHR regarding the scope of deference granted to the member states on HRP, we should first analyze how this is treated by the Court. According to Article 53 of the ECHR "nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a party". Setting aside whether the Convention and its bodies could be considered an abstract constitutional court[1184] that effectively rules over the members of the Convention, it is beyond a doubt that the Convention faces the permanent difficulty of ruling over a plurality of states with their respective constitutional systems (that, at least a priori, also protect fundamental rights).

In this sense, regardless of the normative implications we may infer from that fact, Weiler is right when he claims that "beyond a certain core, reflected in Europe by the

1175 *Idem* p.712
1176 Brems (2001) p.363
1177 *Idem* p.364
1178 Harris, o'boyle & warwrick (2009) p.9
1179 Clayton & Tomlinson (2000) p.285.
1180 Harris, o'boyle & warwrick (2009) p.13
1181 *Idem* p.9
1182 *Idem* p.23
1183 *Idem* p.26
1184 Greer & Williams (2009) pp.465-466

European Convention on Human Rights (ECHR), the definition of fundamental rights often differs from polity to polity. These differences, I shall argue, reflect fundamental societal choices and form an important part in the different identities of polities and societies. They are often that part of social identity about which people care a great deal"[1185]. In order to avoid the lack of specificity of the rights protected in the ECHR – as Lord Hoffman argues following Bentham's approach[1186] – and without a clear aim of unifying the Member States' laws on Human Rights[1187], the Court applies the previously mentioned mechanisms or principles. The way each of these mechanisms is understood or interpreted depends on whether we assume a conservative nationalist approach[1188] (where actual nation-states are considered the main subjects of morality) or a cosmopolitan approach[1189] (where individuals are considered the main subjects of morality).

Regarding the margin of appreciation, as it is not materially established in the ECHR but in the case law of the HCtHR, its definition may vary depending on the authors. Most of the authors agree on the fact that due to the intrinsic nature of the Council of Europe, such a mechanism is needed. The argument is about how wide this margin should be, i.e., which rights may fall under its scope and with what limits. As professor Spielmann states, the shared practice is that while in some areas it is particularly wide (private property, life of the nation, etc.), "the margin of appreciation is virtually inexistent when it comes to the non-derogable rights (right to life, prohibition of torture, prohibition of slavery and forced labour, prohibition of retrospective legislation, the ne bis in idem rule)"[1190]. However, as it is the common practice of the ECtHR, it is not free of dispute as some consider this margin too wide[1191] (arguing that the Court should apply constitutional justice and understand Convention Rights regardless of the member states' view[1192], because otherwise the margin of appreciation clashes with the priority principle[1193]) and others too thin[1194] (based on the relevance of the constitutional identities of the signatory states[1195] and on the abstract character of the rights granted by the Convention).

About the consensus principle, its interpretation is not exempt from controversy either, although given that it is included in the ECHR, it is definitively less questioned. One of its most accurate definitions is the one presented by Spielmann, who considers that consensus "is generally understood as a basis for the evolution of Convention norms through the case-law of the European Court of Human Rights (…) The Preamble of the Convention states that it was adopted with a view, in particular, to the further realization of human rights and fundamental freedoms (…) An evolutive interpretation of the convention allows its norms to be adopted to the new challenges created by the complex development of European societies (…) The notion of consensus also reflects the delicate balance that has to be struck in the relationship between Strasbourg system and

1185 Weiler (1999) p.102
1186 Lord hoffman (2009) p.8
1187 *Idem* p.12
1188 *Idem* p.14
1189 Greer & Williams (2009) p.468
1190 Spielmann (2012) p.11
1191 Weiler (1999) p.119
1192 Greer & Williams (2009) p.468
1193 *Idem* p.469
1194 Weiler (1999) p.107
1195 *Idem* p.116

domestic systems, which must go 'hand in hand'"[1196]. Thus, the ECtHR manages to balance the aim of combining cross national fundamental rights with respect to diversity[1197], even though it is not the ECtHR that makes the dynamics but the states themselves through balancing between majorities/minorities at the Council of Europe.

Finally, in order to limit the signatory states' power to interpret the Convention so as to grant the effectiveness of the rights, besides the ground rights of the Convention that are not subject to the margin of appreciation, the ECtHR applies the proportionality principle. This rule basically establishes the burden of proof on the signatory States which must justify the interference[1198] according to the following grounds: "'relevant and sufficient', the need for a restriction must be 'established convincingly', any exceptions must be 'construed strictly' and the interference must meet 'a pressing social need'"[1199]. An issue that, as I mention in the following Section II, happens to be crucial on the PRV case.

Having said this, before analyzing that particular case, as follows I check whether the HRP system at the Council of Europe might be considered as a Constitutional Framework and, if so, which are its implications in terms of sovereignty.

European Convention as part of a Plural Constitutional Framework

Law without authority is a worthless effort and HRP is not an exception regardless of its valuable aims and the legitimacy of the ruling institution. As Samantha Besson clearly states, "the law's distinctive contribution to the advancement of other valuable goals lies precisely in successfully laying down authoritative directives to reach those goals. Furthermore, the fact that valid law necessarily claims to be legitimate implies that it should be capable of being authoritative and hence be produced so that it can be"[1200]. Even the most cooperative scenario – and, on transnational issues, cooperation or at least co-ordination appears to be, as I have argued in Chapter 5, decisive – requires the law or a legal system to settle a framework for coordination (especially when moral issues are at stake[1201]). In the case of the HRP by the ECHR, the fact that it operates by consensus and following democratic processes of decision making makes it a clearly legitimate institution[1202]. However, consensus at the Council of Europe and as part of the judges' interpretation mechanisms should not be confused with consent: the ECtHR is obliged to consider the diverse *demos* taking part in the contract – through dynamic interpretation, margin of appreciation and subsidiarity –, but does not require accepting each state's consent once they make a particular decision. In this sense, the principle of

1196 Spielmann (2012) p.18
1197 Weiler (1999) p.105
1198 Lenaerts (2012) p.393
1199 Spielmann(2012) p.22
1200 Besson (2009) p.346
1201 "the kind of co-ordination at stake here is (partial conflict) co-ordination over moral concerns when people disagree reasonably over them and therefore have an independent reason to co-ordinate over a common take on those issues if they know other will do so as well and can identify what all of them will co-ordinate over – even if this means not doing things the way they separately think is correct" *Idem* p.353
1202 *Idem* p.354

international law *pacta sunt servanda* does not apply to ECtHR decisions, granting it a stronger (not necessarily less legitimate[1203]) authority.

Apart from the justifications that may arise from the protection of such a valuable issue as HR, the ECHR as an institution offers a democratic ground to solve controversies not only for those states that may benefit individually from becoming a contracting party (such as recent democratic states, as they will not be able to deal with HRP by themselves) but also for the whole consortium[1204]. Thus, the legitimacy of the ECHR – and, particularly, of the ECtHR – lies precisely in the way it combines actual diversity of member states with an effective application of the HRP as a universal right. That is why some authors consider the ECHR as part of a wider *demoi-cracy*[1205] – or *constituonalization* area, as they are not only subjected to *iusinternational* rules but *constitutional-type-of* rules[1206]– where legitimacy should not be questioned at all. Nevertheless, as Samantha Besson clearly states:

> The best account of international legitimacy is a *demoi*-cratic account, i.e. an account based on the functional and territorial inclusion (pluralistic) in national, regional and international law-making processes. Different levels in those processes (multi-level) of all states (and groups of states) *and* individuals (and groups individuals) *qua* pluralistic subjects of the international political community (multilateral) have fundamental interests that are significantly and equally affected by the decisions made in those processes[1207].

The point of departure of this *demoi-cratic* account is the assumption that the constitutional framework in Europe is no longer a vertical Kelssenian model but rather Häberle's pluralistic regime in which national constitutions have lost their exclusiveness[1208]. In the particular case of HRP, as they presuppose equality among human beings *qua* human beings, their cosmopolitan – or at least supranational – onus appears to be undeniable[1209]. In any case, the relevant point in the contemporary constitutional scenario is that constitutional unity as a precondition of the nation-state is not a valid schema anymore[1210]. In the pluralistic model, a wide variety of constitutional documents coexist – in this particular case, the ECHR will be another part of a wider network – none of them prevailing over the other[1211] but permanently transforming each other[1212] in a reflexive constitutional process[1213]. Therefore, the ECHR shows up as an autonomous part of the wider inner workings of the cooperative constitutional state that arose in Europe during the postwar period[1214]. The fact that the HRP system is part of a wider network – in which states have a subsidiary role – implies two assumptions: that a supranational HRP system has enough maturity to be considered a fully formed

1203 *Idem* p.371
1204 *Idem* p.267
1205 Nikolaidis 2004, 2004, 2011
1206 Bustos (2012) p.5
1207 Besson (2009) p.368
1208 Bustos (2012) p.13
1209 Menendez & Fossum(2014) p.2
1210 Bustos (2012) p.11
1211 *Idem* p.14
1212 *Idem* p.19
1213 Menendez & Fossum(2014) p.18
1214 Bustos (2012) p.6

entity[1215] and that nation-states necessarily require, as Miguel P. Maduro holds[1216], correcting institutions even in such fundamental matters as constitutional issues.

However, even if the HRP system based on the ECHR might have become part of the European Constitutional Network (or there might be a substantive identity between national and supranational HRP norms in Europe as a result of a constitutional synthesis[1217]), the conflict between diversity and universality on the ground of HRP persists. The fact that the direct resource to the people as a source of legitimacy is not valid anymore[1218] – although, as already mentioned in Chapter 5, that assumption was controversial even before –, does not change that, without a deep change in outlook, states continue to be the sacred containers of people's sovereignty. The fundamental boundaries[1219] mentioned by Weiler as peoples' will encompassing entities, due to a misleading understanding of the claims on internal self-determination, continue to be barriers for proper HRP integration. Without denying that there are several instances in which HRP is in direct connection with a particular culture[1220] and preserving those cultures is a moral issue (in opposition to assimilation), I argue that this has nothing to do with the "fundamental balances between government and individuals" [1221] assumed by Weiler. The controversy on the Prisioner's Right to Vote is a clear example both of the difficulties of implementing the mechanisms described so far as part of the European HRP system as well as the misleading understandings of sovereignty that have led to that scenario.

1215 *Idem* p.26
1216 *Idem* p.16
1217 Menendez & Fossum(2014) p.18
1218 Bustos (2012) p.28
1219 Weiler (1999) p.104
1220 Weiler (1999) p.105
1221 *Idem* p.107

Section II: Controversies on the Interpretation of Prisoners' Right to Vote

In this section, I introduce the controversies regarding the interpretation of prisoners' right to vote. To do so, I first introduce the context of the controversy and the interaction between the UK and the ECtHR. Then I briefly explain the debates about the concrete case at stake. Finally, I present the different political and normative reactions that have arisen following the controversy.

Case Law and the contextual framework of the controversy

The legal affair between the ECtHR and the United Kingdom regarding the PRV started with the *Hirst v UK (No.2)* decision where the Court found that the UK's complete prohibition on convicted prisoners' voting was incompatible with the European Convention on Human Rights"[1222]. A complete summary and chronology of the issue both in Westminster and Strasbourg is not relevant for the present argument. However, some of the features regarding the case should be noted so as to understand the controversy. From the UK's perspective, the issue dates back to 1870, when "section 2 of the 1870 Act barred any felon sentenced to more than twelve months imprisonment from voting or standing as a candidate in election"[1223] in England, Wales and Ireland. Despite the progresses introduced in the UK legislation regarding the Right to Vote (until the definitive approval of effective universal suffrage through the Representation of the People (Equal Franchise) Act 1928), from the late 19th Century, UK prisoners have been subjected to an almost "blanket ban" [1224] regarding the right to vote. The lack of debate[1225] or attempts to change this legal restriction[1226] was definitively confirmed on the 10 of February of 2011 when the House of Commons "voted overwhelmingly in favor of a motion stating the House's support for continuance of the prohibition on prisoner voting, and affirming that 'legislative decisions of this nature should be a matter for democratically-elected lawmakers'"[1227].

Before checking the evolution of the ECtHR's Case Law, it is important to underline that the UK parliament not only refused to grant PRV but even refused what they considered an extremely *dynamic interpretation* of the Convention. According to those who disagreed with the *Hirst v UK* decision, this meant going against the initial intent of the Convention: "It is clear… that Britain did not sign up to giving prisoners a right to vote. In fact, British negotiators successfully precluded such a right from the inclusion in the text of the ECHR"[1228]. However, setting aside the arguments employed by some MPs in favor of the dynamic interpretation[1229] and confining to a *ceteris paribus* analysis (as distinct from the following normative analysis in Section III), this view is opposed to the facts that (1) even in the UK there are both scholars and

1222 Bill of Rights (2014) p.5
1223 *Idem* p.7
1224 *Idem* p.8
1225 *Idem* p.10
1226 *Ibidem*
1227 *Idem* p.6
1228 Raab (2011) p.6
1229 Bill of Rights (2014) p.13

politicians who oppose this decision[1230] (as was emphasized during the approval of the Human Rights Act 1998[1231]), (2) a majority of the citizens in Ireland, Wales and Scotland widely rely on ECtHR decisions[1232], (3) the UK continues to be able to "use of its margin of appreciation to find a solution that reflects national circumstances"[1233] and, mainly, (4) the observance of the rule of law[1234] requires the UK to implement the judgment. That is precisely what the UK Courts recognized in their own case law: "it is an international obligation of the United Kingdom under article 46.1 of the Convention to abide by the decisions of the European Court of Human Rights in any case to which it is a party. This obligation is in terms absolute"[1235].

Precisely *McGeoh v Lord President of the Council* as well as *R (Chester) v Secretary of the State for Justice* are the first two legal issues to which I will refer. The cases refer to two appellants who had been convicted of murder and sentenced to life imprisonment and, therefore, had been denied the right to vote. On the decision by the UK Supreme Court, the judges argued as to whether the ECtHR Case Law on *Hirst v UK (No.2)* should be applied or not and, although they did apply it, concluded that, "while the diversity of approach in this area within Europe derives from different traditions and social attitudes, it makes it difficult to see prisoner disenfranchisement as fundamental to a stable democracy and legal system such as the United Kingdom enjoys"[1236]. In another relevant case regarding PRV, *McLean and Cole v. United Kingdom*, the Supreme Court declared the application inadmissible because the elections to which the applicants referred (mainly European Parliament and local elections) were covered neither by the ECHR nor by ECtHR case law. In opposition to this view, the ECtHR underlined in *Greens and M.T. v. The United Kingdom* that the UK's continued refusal to amend the legislation that kept imposing a blanket ban on PRV was a violation of Article 3 (right to free elections) of Protocol No.1. The remarkable aspect of this decision is that even though it strengthens the decision taken by the ECtHR in *Hirst v UK (No.2, 2005)*, the UK did not amend its legislation and, after several prorogues and receiving more than 2,500 applications on similar issues, the ECtHR finally decided to re-open the case with *Firth v UK*. However, despite the UK's efforts to postpone or even withdraw Strasbourg's decision, the Court ruled once again against the blanket ban on PRV: "given that the impugned legislation remains unamended, the Court cannot but conclude that, as in *Hirst (no. 2)* and *Greens and M.T.* and for the same reasons, there has been a violation of Article 3 of Protocol No. 1 in the applicants' case"[1237]. Therefore, it seems clear that both the initial decision by the Grand Chamber on *Hirst v UK* as well as the subsequent case law reject the blanket ban on the PRV.

Thus, before going through an overview on how the UK has implemented the convention's HRP system, we should analyze the *Hirst v UK* case as well as the ECtHR decision. Mr Hirst was a prisoner who was found guilty of killing a woman in 1980 and

1230 *Idem* p.12
1231 "I don't have a problem with the living instrument explanation, but I would put it slightly different way. The ECHR is relevant to the UK today – and tomorrow – because the equal worth of all, and the belief in our responsibility to create a society that advances such equal worth and dignity. It's about a new citizenship, for a new society and a new economy" Straw (2000) p.3
1232 harris, o'boyle, bates & buckley (2014)
1233 Bill of Rights (2014) p.20
1234 *Idem* p.5
1235 *Chester and McGeogh*, paragraphs 125-137 and 119
1236 *McGeoh v Lord President of the Council & R (Chester) v Secretary of the State for Justice*, paragraph 35
1237 *Firth v United Kingdom* (2014) paragrap 15

therefore lost the possibility to vote. The prisoner believed that this prohibition on voting violated Article 3, Protocol 1 of the ECHR and, therefore, on 2001 applied to the UK Courts. His claim was refused and, at that point, the judge asserted that the position of the UK regarding the PRV "is plainly a matter for Parliament not for the courts"[1238]. After the refusal – which also implied denial to appeal –, Mr Hirst brought the case to the ECtHR, where it was decided both in 2003 (by the Fourth Section of the Court, unanimously) and 2005 (by the Grand Chamber, with 12 votes to 5) that, by banning him from voting, the UK had violated the prisoner's right to participate in free elections as protected by Article 3, Protocol 1 or the ECHR. The court concluded that:

> In the twenty-first century, the presumption in a democratic State must be in favour of inclusion, as may be illustrated, for example, by the parliamentary history of the United Kingdom and other countries where the franchise was gradually extended over the centuries from select individuals, elite groupings or sections of the population approved of by those in power. Universal suffrage has become the basic principle[1239].

The Court did not question whether there might be compelling reasons or legitimate aims to disenfranchise convicted prisoners, but they did refuse the introduction of a blanket ban (i.e., irrespective of the length of their sentence, the gravity of their offence and of individual circumstances) as a valid restriction, as it fell "outside any acceptable margin of appreciation"[1240]. The Court also noted that, according to the subsidiarity principle that rules its decisions, "it will be for the United Kingdom Government in due course to implement such measures as it considers appropriate to fulfil its obligations to secure the right to vote in compliance with this judgment"[1241]. With this being the case and with the most relevant case law, in what follows, I will check the main features of the UK's HRP system within the ECHR in order to analyse the main normative aspects underlying the controversy.

Human Rights Act and the United Kingdom's HRP system within the ECHR

The UK's main internal legal document referring to HRP is the Human Rights Act 1998. As Harris, O'boyle & Warwrick explain, the document introduces the ECHR within the UK legal framework:

> In the case of the United Kingdom, the Human Rights Act 1998 provides for the indirect incorporation of the rights of the Convention into UK law as 'Convention Rights'. This has two main consequences. First, if, despite all efforts, primary UK legislation applicable in cases coming before the courts cannot be interpreted compatibly with the Convention, the competent court may make a 'declaration of incompatibility'. This does not affect the validity of the legislation, but alerts the government to the need to amend the law. Second, a victim has a public law right of action for damages or

1238 *Hirst v Attorney General*, paragrap 41
1239 *Hirst v UK*, paragraph 59
1240 *Hirst v UK*, paragraph 82
1241 *Hirst v UK*, paragraph 93

other relief against a public authority (not a private person) which acts inconsistently with a 'Convention right'[1242].

In this sense, although the Parliament remains sovereign[1243] (in opposition to the US Bill of Rights, for instance), the UK definitively assumed in an explicit manner its attachment to the values and aims of the ECHR[1244]. It is worthy to analyze how the UK legal system articulates both the internal and external HRP with Parliamentary sovereignty. We may distinguish, following Armstrong's approach, two different views: the Orthodox and the Common Law Approach. According to the first view – apparently assumed by those opposing the *Hirst v UK (No.2)* decision by the ECtHR –, the core of British constitutionalism is the sovereignty of the Parliament which, in turn, stands upon three pillars:

- *"Validity* – laws enacted by Parliament are considered legally valid and enforceable;
- *Priority* – it is the duty of the courts to apply the latest will of Parliament over and above any other inconsistent rule of law, including common law rules;
- *Continuity* – sovereignty is continuous and cannot be legally limited"[1245]

According to this view, as the laws are enacted by the Parliament and the Parliament is the holder of the "constitutional political morality" [1246] of the country, the Courts should be limited to interpreting the Parliament's' sovereign will[1247] (legislation). This approach clashes, according to the understanding of the European demoicracy that I endorse, with the fact that once nation-states have joint supranational institutions such as the Council of Europe or the European Union, their sovereignty is no longer untouchable[1248]. Moreover, even if they may opt out, given the current level of interdependencies, their sovereignty will continue to be very much constrained. In the particular case of the ECHR and the HRA, the HRA is a domestic statute that aims UK courts introducing ECtHR case law on their decisions (Section 2(1)), which is not necessarily inconsistent with the sovereignty of Parliament[1249]. The key point, according to the orthodox view, relies on the declaration of incompatibility as a means to block interpretative techniques[1250] (i.e., once a UK court reaches an interpretative boundary, instead of resourcing to a creative interpretation, it will declare the incompatibility of the law, sending the issue back to the Parliament). Nevertheless, the main aim of the Orthodox View defenders is to avoid judicial activism.

As opposed to the Orthodox View, the Common Law Approach believes that as the Parliament cannot be a self-controlling institution[1251], there must be a higher level of constitutional control, that is to say, the Common Law. In this sense, this approach keeps conceiving the legal system as a unitary order. The difference resides in the fact

1242 Harris, o'boyle & warwrick (2009) p. 24
1243 Straw (2000) p. 5
1244 *Idem* p. 4
1245 Armstrong (2003) p.328
1246 *Idem* p.328
1247 *Idem* p.339
1248 *Idem* p.331
1249 *Idem* p.333
1250 *Idem* p.334
1251 *Idem* p.336

that the Common Law Approach posits that in certain instances such as HRP, the Courts should have a prevailing role over Parliament's will[1252]. In that sense, their view is that the HRA "is not itself a problem for the common law approach and indeed could even be viewed as a formalisation of the authority of the courts in protecting fundamental rights"[1253]. A measure which, as Lord Hoffmann asserts, will leave a scenario not that different from those countries in which the legislature is "expressly limited by a constitutional document'"[1254]. However, as Armstrong himself defends[1255], these two alternatives that prevail in the UK legal framework ignore the fact – already mentioned in this chapter – that current European legal framework in general and HRP in particular are much more complex and leave little ground for non-pluralistic approaches to the law.

Given this framework, how has the *Hirst v UK (No.2)* controversy been raised exactly? Mainly by questioning ECtHR legitimacy in front of the UK Parliament and claiming that both UK sovereignty and the scope of deference mechanisms that the ECtHR is supposed to grant have been violated[1256]. The conflict between primary Parliamentary sovereignty (which is not subject to fundamental charters or constitutions[1257]) and the legal obligations that arise from being a member of the ECHR[1258] leaves two alternatives: following the rule of law (regardless of the conformity of the Parliament[1259]) or denouncing the Convention and withdrawing from the ECHR[1260]. The Government and the Parliament assume a conservative view[1261] and keep holding that Article 3 Protocol 1 does not refer to the right to vote but to free elections[1262]. Meanwhile, the ECtHR follows an evolutionary interpretation[1263] (assuming that the ECHR is a 'living instrument') and posits that while the application of the decision is subject to the margin of appreciation of the UK[1264] – such as did in the case *Scopolla v Italy*[1265] –, the blanket ban on the PRV is violating a basic democratic principle. In other words, while the UK claims that the democratic system of government represented by the Parliament is in charge of safeguarding convention rights as opposed to the evolutionary interpretation that meddles in areas which were not initially its own[1266], ECtHR advocates believes that the issue refers to the Right to Vote and, as a basic Human Right[1267], is a basic requirement for democracy[1268]. Even if it falls away from the scope of this chapter, it seems quite reasonable to assert that regardless of the controversies on the level of protection granted by Article 3 Protocol 1 regarding PRV[1269], warranting free elections and granting the right to vote are almost an

1252 *Idem* p.342
1253 *Idem* p.343
1254 Hoffmann (1999)
1255 Armstrong (2003) p.345
1256 Harris, o'boyle, bates & buckley (2014)
1257 Bill of rights (2014) p.23
1258 *Idem* p. 24
1259 *Idem* p.29
1260 *Idem* (2014) p. 24
1261 Prescott (2014)
1262 *Ibidem*
1263 Bill of rights (2014) p.27
1264 *Idem* p.64
1265 Young (2014)
1266 Bill of rights (2014) p.26
1267 Young (2014)
1268 Prescott (2014)
1269 *Idem* (2014)

oxymoron and, therefore, Strasbourg's judgment on the blanket ban as a violation of the Article appears to be in all senses reasonable.

However, as Michael Pinto-Duschinsky states, "the issue is not prisoners voting itself. The real issue is who makes the final decision"[1270]. Setting aside the controversy on whether Article 3 Protocol 1 covers the PRV, as well as the political implications of the case (as the UK is absolutely free and legally able to withdraw the Convention[1271]), the relevant question is who (and why) should make the final decision on this issue.

Breaking down the controversy: the underlying assumptions

So far, I have described how the PRV case has generated a controversy between those who advocate for a wider margin of appreciation for the UK Parliament and those who believe that the issue should be solved by the ECtHR. Considering, as I have argued in Section I, that the ECHR is a relevant part of the European Constitutional framework (in any of its possible demoicratic expressions, i.e., *constitutional network*, *co-operative constitutional state*, *cosmopolitan constitutionalization*), there is no doubt that the issues it confronts are of great relevance as fundamental values are at stake[1272]. Before going to the main normative concern underlying the controversy – the misleading understanding of sovereignty as a given feature of nation-states –, we should at least point to three of the main legal controversies rising from the PRV case: control of the legislature, the apparent intrinsic indeterminacy of the Convention Rights and the obligatory nature of HRP as a matter of global justice.

The most relevant aspect of legislative control arises from what has been called the *age of subsidiarity*: the forecast of a period "that will be manifested by the Court's engagement with empowering the Member States to truly 'bring rights home', not only in the UK but all over Europe"[1273]. This step might have several good arguments to support it (especially if it refers to the application of the decisions by the ECtHR), but it seems to succumb to a commonly shared wrong assumption: that the main Constitutional guarantors in the MS (i.e., Constitutional Courts, Parliaments; depending on the state model) deal with Fundamental Rights better than the ECtHR. In addition to affirming that the ECHR' MS assume that HRP is not merely a domestic issue[1274], we may also consider the role of the ECtHR as a guarantor of rights as something prior to the functional aspect of the political institutions. In that sense, just as in the post-war period nation-states considered it a priority issue to establish a constitutional framework of fundamental rights (prior to defining the structure of the State)[1275], the fact that those rights currently require transnational institutions implies an argument in favor of ECtHR's judicial activism in front of the MS' legislatures. Given that the Council of Europe gains its legitimate authority from its democratic decision-making processes in the Parliamentary Assembly (in which, among other issues, ECtHR judges are elected[1276]), it does not seem hare-brained to think that the ECtHR is not only

1270 *Idem* (2014)
1271 Bill of rights (2014) p.28
1272 Ferreres (2009) p.71
1273 Spano (2014) p.5
1274 *Idem* p.7
1275 Ferreres (2009) p.78
1276 Spano (2014) p.2

legitimated but even compelled[1277] to give concrete meaning to the ECHR by its interpretation. Staying quiet, therefore, is not a valid alternative[1278].

This does not mean, as the Orthodox View defenders claim that the ECtHR has to be "unaware of the need to effectively implement the foundational principle of subsidiarity and of the importance of deferring, when suitable, to national decision making in the sphere of human rights"[1279]. On the contrary, the ECtHR should dig deeper into the deliberative process surrounding the implementation of particularly controversial Human Rights (as it is actually trying to do in the particular case of PRV when letting the UK Parliament decide on how to implement its decision, in contrast to the *Del Rio v Spain* case where they exceptionally suggested corrective measures). In this way, the observance of the basic principles will be covered while advocating for "a more sustained debate (...) in the political sphere before such a deep transformation can be accepted"[1280]. Ultimately, although assuming that the correct balance[1281] between subsidiary measures on the application and control of the legislature is not an easy matter, the relevant issue is nothing but the "quality of the decision-making, both at the legislative stage and before the courts, [as they are] crucial and may ultimately be decisive in borderline cases"[1282]. That is to say, a valid approach to supra-state HRP requires avoiding both considerations that the ECtHR is foolproof[1283] and that their decisions are void[1284] (both in legal and political terms) or necessarily worse on balancing social rights and interests[1285].

Regarding the indeterminacy of the Convention Rights, the feature that Lord Hoffmann expressly underscores, it is not clear whether (1) it is a specific characteristic of Human Rights and (2) (even if it might be), if the indeterminacy should be considered negative *per se*. The fact that HR are considered undetermined because there is no unanimity among the MS implies two basic presuppositions: that the meaning of the Law is based on convention and, therefore, the meaning is something that needs to be specified in absolute terms and that HR are intrinsically distinct from other rights in a legal system.

On the first premise, assuming a conventionalist theory of meaning implies ignoring the fact that meaning is not a matter of convention but of controversy[1286]: the fact that several legal notions referring to basic moral principles (such as freedom, dignity or equality, for instance) are vague and ambiguous[1287] does not mean that they are undetermined but that we need to argue in order to justify the meaning we consider best. That is to say, they are not undetermined but essentially controversial concepts characterized by their "evaluative, complex, argumentative and dialect character" [1288]. About the second premise, neither is it clear whether vagueness and a certain level of ambiguity are exclusive features of HR: although it is true that some legal areas are more inclined to external justifications based on factual assumptions – although they

1277 Ferreres (2009) p.85
1278 *Idem* p.74
1279 Spano (2014) p.6
1280 Ferreres (2009) p.77
1281 *Idem* p.83
1282 Spano (2014) p.12
1283 Young (2014)
1284 *Ibidem*
1285 *Ibidem*
1286 Iglesias (2006) p.69
1287 *Idem* p.65
1288 *Idem* p.66

will also have a certain level of controversy as a result of the judges' inductive reasoning –, those who are more focused on principles will tend more to extra-linguistic and extra-factual arguments during the interpretation. However, none of this is an exclusive feature of HR (even administrative law refers to dignity when deciding on an eviction) and we may hardly think that there are rules which do not need judges' interpretative work to be applied.

An aspect which directly links with the second feature ascribed to HR: that their indeterminacy (now ambiguity and vagueness as sources of controversial meaning) should be considered negative *per se*. In contrast to this view, we may think that the flexibility that arises from this controversial meaning is precisely a way of reflecting the power balance inherent to every right definition[1289]. Nevertheless, the fact that HR do not have rigid meanings enables the law reflecting authority changes through deliberative practices[1290] which, in the end, are nothing but the reflection of social will fluctuations. That is why fundamental rights require a deliberative process in which opposed arguments are confronted: what dignity means will be determined after opposing diverse arguments on dignity[1291]. Otherwise, skepticism regarding principles will deny the "possibility of rational deliberation on moral issues or, similarly, the idea that the controversy surrounding moral concepts makes them meaningless notions"[1292]. An approach that, in a *demoi-cratic* process of constitutionalization such as the one in which the HRP of the ECHR is located, will mean denying the possibility of the co-operative process[1293] that has, so far, been so fruitful in HRP terms.

Finally, regarding the obligatory nature of HRP as a matter of justice, the controversy is wide but it should be addressed as UK's attitude towards the ECHR not only clashes from an internal normative perspective but also with regard to a broader understanding of HR. The main claim on this issue is that HRP– beyond its systemic-institutional embodiment in the ECHR – is related to a general duty of justice among individuals[1294] (rather than among states): in the same way as I consider my urgent needs (i.e., those needs granted by the HRP if we consider them positive rights[1295]) a priority, I should be impartial[1296] and consider other people's urgent needs a priority over the rest of my own needs. The question this raises here – also linked to the misleading conception of HRP assumed by the UK – is whether this implies ignoring any emotional bond when deciding whose urgent needs are a priority. Considering that a merely abstract conception of human beings as individuals equally tied to each other is valid implies ignoring both empirical facts (the denial of which appears counterintuitive: giving food to your starving child before a starving stranger seems perfectly justified) and basic moral reasoning (i.e., that human beings are an end in themselves, never a mean, and identity is an intrinsic feature that we cannot refuse[1297]). Nevertheless, since it is true that the personal bonds that shape our identity are non-renounceable, this does not mean that the national bonds[1298] – although it empirically appears to be the opposite – are

1289 Iglesias (2006) p.64
1290 *Idem* p.71
1291 *Idem* p.70
1292 *Idem* p.73
1293 *Idem* p.74
1294 Iglesias (2005) p.41
1295 *Idem* p.42
1296 *Idem* p.57
1297 *Idem* p.59
1298 *Idem* p.61

morally relevant bonds in terms of priority[1299]. There are both special and general duties and HRP requires assuming that, in strictly moral terms, HRP is a general duty than cannot be conditioned by our special duties towards compatriots[1300].

Therefore, and going back to the implications of the PRV controversy in the UK, apart from the normative reasoning on sovereignty explained in the following section and all the reasons given so far in this chapter, the UK should also consider how their decisions may affect the proper functioning of an institution that has effectively protected HR during the past 60 years[1301]. That is to say, the UK should assume that self-determination in a cosmpolitanized world implies considering the interests of those beyond the national political community. Considering that, as the UK offers – according to the Parliament's view – a proper HRP system does not have any moral duty toward the rest of the MS[1302] implies assuming a hardly justifiable moral position regarding HRP. In the following section I show how resorting to diversity as a mean to justify their sovereignty claim is, definitively, a misleading moral justification.

1299 *Idem* p.62
1300 *Idem* p.63
1301 Harris, o'boyle, bates & buckley (2014)
1302 Bill of rights (2014) p.33

Section III: Getting Rid of the Circular Argument of State Sovereignty

In this third section, I first present the key elements regarding the way institutions understand and promote cultural diversity in Europe. Then I proceed by explaining the problematic understanding of diversity as diversity of sovereign states. Finallly I introduce a philosophical account of national diversity that could provide an alternative normative framework to improve cosmopolitan institutions. I conclude by arguing that, in light of this normative framework, the UK's position opposing the ECtHR's decision on the PRV and the threat to withdraw from the ECHR on the basis of their lack of recognition of UK's national identity will not be justified.

Moral value of diversity transferred to the institutional framework

Regardless of whether it believed considered to be on a process of transformation through the nation-state's reinforcement and backward steps due to globalization or weakening its value through an opening of the borders and a reinforcement of supranational institutions, there is no doubt that sovereignty "remains central to the nature of politics"[1303]. However, the rise of global risks and the increasing levels of interdependencies keep pushing legal, social and political scientists to adapt its content to the post-Westphalian epoch[1304]. The fact that domestic political institutions – not necessarily states – keep integrating within international systems of law implies[1305], paradoxically, a reinforcement of sovereignty as something other than self-affirmation. Before the construction of an international legal order where states are legally defined as agents (with rights and responsibilities[1306]), states were built on the basis of an identification between an homogeneous (homogenized, in most cases) nation and popular will. As I have explored in Chapter 5, that is not the case anymore. Nevertheless, the concept of sovereignty continues to be considered a defining characteristic[1307] of the nation-state. If we follow Bellamy's approach[1308], this is due to the fact that although the regulative side of sovereignty has been fragmented – among other reasons because of the appearance of supranational institutions such as the ECHR[1309] –, the constitutive side remains almost untouched. That is to say, despite the appearance of new regulative functional polities (where specific rules for specific areas are defined), the *polity* of the nation-state continues to be the core body which "guarantee[s] order and changing them [the *polity* of the nation-state] risks destabilizing the whole social system"[1310]. Based on the principles of nationality and sovereignty, reallocation of power through integration has been at the expense of nation-state authority. However, "a certain mystification of the state and both functional

[1303] Bellamy (2003) p.167
[1304] Held (1995) p.78
[1305] Keating (2003) p.195
[1306] Note that this differs from the reductionist / non-reductionist debates about the organicist character of the state, that is, about whether the bearers of moral rights/duties are individual human beings (and, if the anti-speciesist claim maintains its successful progress, non-humans) or states (that cannot be reduced to the individual human beings that constitute it).
[1307] *Idem* p.191
[1308] Bellamy (2003) p.173
[1309] *Idem* p.177
[1310] Keating (2003) p.197

restructuring and ideological challenges have begun to break (…) The magic gone, people just stop believing in the absolute claims of the state"[1311].

What does this mean in terms of legitimacy? The apparent unity of nation-states consolidated the myth that domestic spheres were "maintaining the rule of law, retaining a monopoly of the legitimate use of violence, and binding people into an imaginary community"[1312] was perfectly justified. As I argue later in this section, the latter feature – binding the collectivity into a nation – has been the original justification for this process of consolidation. The process in which territorially located conflicts were solved through the institutionalization of national political communities (as a way of collective demarcation), was replaced in the 19th century by states in which "sovereign authority lies in the nationality principle"[1313]. The legitimacy rising from empowerment processes materialised in nation's self-determination, was replaced by the legality[1314] imposed by the state as the only way to grant security, welfare, stability, etc. This is to say, bottom-up processes of nation-building were legally driven by powerful elites as a means to overcome the fateful Hobbesian (*homo homini lups*) or Schmittian (exceptionality argument) destiny of human beings. From then on, the states (in which multiple national attachments were replaced by exclusive and homogeneous identity building processes[1315]) assumed their main task: "*the imposition of authority* to define common rules of what is right and wrong, what is good and bad"[1316].

The persistence of this model contrasts with the appearance of an "international system that consists of functionally defined policy arenas which institutionalize decision-making procedures and rules defining proper practice in the area. The scope can range from global human rights regimes or environmental protection regimes to regional free trade areas"[1317]. Nevertheless, in contrast to the traditional homogeneous idea of nationality, data shows[1318] that, even in places where identity is considered a crucial issue, claims for sovereignty are also linked to "the institutionalization of a politics of pluralism, the promotion of economic solidarity, and the actualization of a socially progressive agenda"[1319], which requires supranational integration. This is to say: sovereignty understood as self-government through institutions which are closer to each social reality does not necessarily mean, considering that the underlying idea of a homogeneous collective is not valid anymore, what the orthodox view asserts. Furthermore, the monist idea of sovereignty has not only shown, as explained in Chapter 5 Section II, incapable of dealing with global threats but also unable to deal with internal issues, leading to the "erosion of national diversity and to the impoverishment of democratic practices and institutions"[1320].

Does this mean that, as Samantha Besson[1321] argues, sovereignty should not be considered one of the main principles of normative analysis? In her view, the answer is

[1311] *Idem* p.200
[1312] Huysmans (2003) p.212
[1313] Keating (2003) p.196
[1314] Huysmans (2003) p.215
[1315] Kymlicka (2007) p.76
[1316] *Idem* p.211
[1317] *Idem* p.219
[1318] Basque, Catalan, Scotish or Quebec claims for national recogntion share a trend of claiming supranational integration. See Jauregui (1997), Bengoetxea (2011).
[1319] Gagnon (2014) p.63
[1320] Idem p.67
[1321] Besson (2009) p.374

negative due to the fact that sovereignty depends on an international legal order rather than on its intrinsic value. As Beck argues, first modernity "restricted the legitimacy of political action strictly to the domestic sphere"[1322]. However, since nation-states are increasingly embedded in an international legal order - and, regarding the case at stake, even more prominently in a European Demoicracy - it is harder to conceive state sovereignty as an irrevocable and indivisible form of power as monopoly of violence[1323]. That is most clearly exemplified by the stronger HRP at the EU, where the Court of Justice of the European Union reflects both on the interpretation of fundamental rights when making decisions based on the Charter of Fundamental Rights made by the Member State's Constitutional Court and the ECtHR. This is - slow but firmly – resulting in the strengthening of a European (mainly EU) standard of HRP, both with and beyond the member states[1324]. In sum, the legitimacy of the institutional framework is no longer an exclusive attribute (of states or supra-state regimes), but - at least in such an interdependent framework as the EU - a scalar attribute.[1325] Does this mean that that there is nothing intrinsically relevant about national political communities? No, as I have explained in Chapter 5, a demoicratic understanding of the European regime is based on the people's (nation's) fundamental role in legitimating European institutions[1326]. The distinctive feature is that these nations are incentivised to open their self-determination transnationally. As I explain in the following, the problem is that the key issue is not sovereignty or external self-determination but internal self-determination which, then, should definitively be considered a fundamental normative principle due to its intrinsic value.

Sovereignty as the basis of the conceptual mistake

The basis of this conceptual mix-up is the fact that neither those who advocate for global institutions nor those who believe that politics should remain national justify why state centered sovereignty is a primary issue. Furthermore, even those who deny the basic premise of this chapter[1327] – that there are ongoing global issues, regardless of their political address, that need to be tackled through transnational institutionalisation of self determination [1328]– do not answer the question on why sovereignty must be ascribed to the particular framework of the nation-state. Globalists, on the contrary, claim that nation-states should renounce partial or full sovereignty, but they do not wonder which is the justification to consider sovereignty an intrinsic feature of already

[1322] Beck, U. (2004a) pp.142-143
[1323] Beck, U. (1997) p.65
[1324] González Pascual, M. (2017) p.19
[1325] "Institutions are more or less legitimate according to a certain scale. Such a scale is defined by a general standard of legitimacy which is often seen as complex in the sense that it is supposed to be composed or different, more concrete subscales or dimensions. The assumption is that we care about different properties when we care about the legitimacy of an institution and also that such properties may instantiate different values" [Martí (2014) pp.4-5]
[1326] Otherwise by appealing to a sort of post idealist/realist account of legitimacy, understood "in terms of an empirically oriented social science that connects popular attitudes with institutional decision-making" [Koskenniemi (2003) p.348], we may be begging the question of normative standards (legality and morality). That is, it is not that the Demoicratic theory escapes from the normative/descriptive implications of legitimacy, but finds them intertwined as descriptive reasons to accept the institutional framework's right to rule is based on good reasons defined through *both* national *and* European deliberation.
[1327] Miller (2010; 2011)
[1328] Bohman (2016)

defined nation-states. Therefore, the argument between diversity and universality is focused on the fake dialectic of nation-state versus supranational/global institutions without questioning the underlying moral issues that, indeed, are at stake.

Blind cosmopolitans fail because, instead of asking how to justify taking away partial or full sovereignty from states without going against national diversity (understood as internal self-determination), they deny any moral ground to collective identity or even to cultural diversity. In that sense, they consider the state's sovereignty as something given instead of asking if there are strong moral grounds to advocate for state sovereignty. From the basic principle that individuals have equal right to lead a worthwhile and satisfying life and the basic right stated in Article 1 of the Universal Declaration of Human Rights ('all human beings are born free and equal in dignity and rights'), they believe that "national identities and state borders are, in principle, irrelevant to any individual's entitlement to the necessary conditions of a good life"[1329] (an issue I have contested in Chapters 3 and 4). It is clear that, in terms of procedural legitimacy, there are strong reasons to maintain states as political bodies in which check and balance mechanisms and democratic processes of cooperation are already established. Actually, neither the multilevel governance alternative nor the post-national constitutionalism defended by Habermas – as two of the main cosmopolitan proposals[1330] – can actually overcome the problems that may arise from a fully institutionalized global order. As Fossum and Menendez assert, both alternatives "subvert the egalitarian drive of cosmopolitanism, and turn the shift from polis to cosmopolis into an exercise in de-politicisation (from polis to cosmos without politics), which cannot but benefit the elites, and may inadvertently turn cosmopolitanism into a regressive political theory"[1331]. However, there are even stronger arguments to consider that as global issues need to be tackled transnationally, attachments to certain collectivities are not an impediment. The problem is that, instead of facing this by denouncing the arbitrariness of sovereignty as an absolute and inalienable attribute of states, blind cosmopolitan theories tend to fail – as will be explained in what follows – in the liberal fantasy that individuals are isolated subjects with no attachment to particular environments and collectivities[1332]. That is, they tend to reject the reasonable claims raised by a non-conservative liberal nationalism.

Nation-building, understood as the homogenizing process from which nations arise, is based on mainly subjective elements: "attitudes, perceptions and emotions connected with symbols, myths, memories, traditions, rituals, values and rights"[1333] which were *penetrated by the state* – understood as a bureaucratic organism – due to the economic needs inherent to modernity. However, despite the internal diversity that this generated, it took quite a short period of time to assimilate the subjective dimension of the nation with the institutional dimension of the state, generating externally homogeneous nation-states (in contrast to the fact that very few states – Portugal being, at least in national diversity terms, the main European example – encompass a single people, nation or culture). In that sense, considering that states *qua* states are the guarantors of diversity seems both empirically and theoretically false. Even if we consider, for the sake of the argument, that communities (understood as collectivities that share dress-codes,

[1329] Özkirimli (2005) p.139
[1330] Menendez & Fossum (2014)
[1331] *Idem* p. 4
[1332] Özkirimli (2005) p.151
[1333] Smith (1995) p.90

architecture, costumes, language, ceremonies, song, law, etc. [1334]) are closed compartments, there is no link between nation-state sovereignty and the goal of preserving cultural pluralism. Sovereignty is nothing but a legal mechanism – which, no doubt, has played a positive role during modernity in many senses – to generate spheres of legitimate political authority in an internationally engaged world[1335]. In that sense, nation-states as such may comprise features of cultural diversity (although there are plenty of examples of exclusive and homogenizing states) but, in a clearer sense, they reveal too many similarities among each other that make it "hard to reconcile with the justification that a unique nation needs its own special form of independence"[1336].

In any case, both approaches are incomplete as they consider the sovereignty of certain communities as something given, attached to pre-political peoples and with some kind of intrinsic legitimacy linked to a conception of popular will as necessarily contained within a given state. In this sense, the advocates of exclusive state sovereignty clamour for its legitimacy as if it were absolute. In contrast to this view, blind cosmopolitans attempt to create a new legitimate global institutional framework that undermines institutionalised national political communities. The problem with this view, apart from the fact that it ignores the impact it will have on the interests of persistent minorities[1337], is that it still operates as if what should be considered in order to define the justice and legitimacy of integration is the impact on state sovereignty instead of the impact on the nation's internal self-determination. Considering that the actual borders of states are the result of historical contingencies (regardless of the descriptive approach we may choose, none of them denies that states are not predetermined entities), asserting that sovereignty is an intrinsic value seems either tautological or contradictory. If it is a value of sovereign political entities, such as states, by considering their contingency, we may be able to think about other political entities as sovereign bodies. If, on the contrary, it is an intrinsic characteristic of states, as states are contingent entities, sovereignty cannot be thought as an absolute feature but as a feature that is performed in certain contexts and conditions (i.e., if a tree is a contingent body, we can say that having green leaves is an intrinsic feature of a tree when it has flourished, but not as an eternal or absolute attribute). That is to say, in no case may we be able to justify sovereignty as something given and absolute. There has to be something else – apart from the subsidiary argument – that justifies considering national claims for internal self-determination without falling into the circular argument of state sovereignty. In other words, there must be an answer to the question of how far nations are entitled to govern themselves, what it means exactly and why it is relevant. The problem, then, is how we deal with diversity in a world built up to preserve diversity through nation-states, once we assume that nation-states are not entitled to an absolute and context-independent sovereignty. That is to say, how we justify a collective right in a post-sovereign[1338] scenario, in other words, "how to create plurality in a world of unity instead of how to create contingent unity in a plural world?"[1339].

[1334] Breuilly (1993) p.57
[1335] *Idem* p.363
[1336] *Idem* p.62
[1337] "In a world as diverse as the one we live in, it seems hard to imagine that there will not be large sections of humanity that will find themselves not part of any winning coalition for significant periods of time. We see this already in modern states where the level of diversity is generally considerably smaller than in the world overall" [Christiano (2012) p.76]
[1338] Bellamy (2003) p.168
[1339] Huysmans (2003) p.226

Diversity as a relevant moral issue

Both liberal – in its cosmopolitan branch – and communitarian approaches to the national issue, although they have been the most relevant approaches, have failed to solve the problem of finding a balance between universality and diversity. Considering the former, non-relational moral-cosmopolitism claims that individuals are the only valid moral subjects (as opposed to the sufficientarian account, that while asserting the primary character of cosmopolitan duties also addresses the relevance of collectivities). Behind that vision, there is a monist preconception of human beings that neither considers empirical motivations of moral behavior nor offers a non-abstract explanation of morality. This conception is based on two premises[1340]: 1) individual autonomy is previous to its goals and 2) individuals are **the only** valid subjects of moral claims.

The problem of this conception – based on a misleading understanding of Kantian premises[1341] – is that they only consider the assignment of individuals to the cosmopolitan moral conception without noticing the lack of empirical basis. In that sense, they obviate the fact that Kant himself suggested: the need to exercise their duties on the basis of some empirical core of reference implying emotional involvement in our moral actions[1342]. Assuming that necessity of empirical motivation for moral duties, national identity constitutes one of the most relevant emotional cores of current societies (Requejo 2009, 2011, Innerarity, 2003, 2005, Norman, 2006, Guibernau 2013). So, why has liberalism practiced, from its very beginning, misrecognition towards non-state collectives (i.e., immigrant groups, minority nations, ethnic groups, etc.) while assuming the nation-state's sovereignty as a given feature? The reason is that they have not considered it a political issue, so that the realm of collective rights has been treated as a psychological or metaphysical issue. It is a commonplace to believe (with early Rawls on the forefront) that political liberalism is based on the following statements: individuals are autonomous, the ultimate source of valued moral claims and are not defined by goals. In that sense, autonomy is considered the most important liberal value. The relevant point here about the liberal approach is that despite the myth settled among blind cosmopolitans, a liberal conception that treats people politically is consistent with a *tout court* cosmopolitanism. Rawls himself (1993, 1999) introduced a way out of his previous conception that peoples are also moral subjects. Peoples must be understood in an institutional way, just as individuals are presented as citizens, taking into account their common particularities (institutional, linguistic and historic).

The institutional (constitutional state) and societal (public state) personalities of a nation are both political. Rejecting ontological understanding of the nation (as I have explained in Chapter 3), either as an essentialized aggregate of individuals or a macro-subject, does not imply rejecting its political identity: that is, its nature of political fact. The question that arises here is that there are nations and they need to be managed politically as such and, from a liberal perspective, this means that they are subjects of morality, of justice: there is a collective morality[1343]. One of the most relevant problems we find in this theory is that we need a condition to identify a people as such. Peoples do not have an intrinsic value as peoples so why should we recognize them? There are theorists who have considered nations from a constructive or functionalist perspective, in the sense

[1340] Requejo (2011) p.38
[1341] Requejo & Valls (2007)
[1342] Requejo (2011) p.41
[1343] Idem p.49

that they have been made up by the state bureaucracy or elite and not by the nation itself or that they are just a product of historical circumstances. However, even the most prominent defenders of nations and nationalism assume the contingency of nations as well as the mythologies they promote. Still, as I have argued, this does not mean that we cannot identify nations as political facts that claim their internal (or external, given the circumstances) self-determination. It merely means that we do not need to identify a minimum objective standard to identify a nation as a nation: it is the performative act of the claim to self-determination - which necessarily implies the features that make a social fact a political fact, not for ontological reasons but for instrumental means - what makes them a nation. Thus, a demoicratic regime is not entitled to recognise the nation as such but to address the claim and, if duly justified, recognise its demands. In other words, it is not so much to answer Allen Buchanan's inquiry about 'What is so relevant on Peoples [nations] which makes them deserve recognition?'[1344], but 'What is justified on People's claims for self-determination that makes those claims deserve recognition?'

Even if a static account of cultural diversity does not have any intrinsic value[1345], it should be seen as a positive value for the individuals as it makes possible the individual election between different cultural references: i.e., cultural diversity grants contexts of choice. Nations are the fundamental source of cultural diversity, the ultimate source of the individual right to choose between different cultural scenarios. It is not about choosing the particular culture in which one was born, but about the preference of being able to choose. If we assume that something has value only if individuals give value to it, we assume that the emotional attachment or the rational preference can make individuals not think about nations as relevant, not even because of the feeling of attachment. What is relevant is not the rational preference for a particular nation, but the fact that promoting dynamic cultural diversity is a value we share[1346], as it enables a choosing frame. It is true that the fact that nations are territorially delimited goes against the idea of diversity[1347], but (1) the way each individual experiences national belonging is unique and, therefore, internal diversity is not necessarily compromised and (2) unless we assume the counterintuitive alternative of a completely fragmented world, we may assume that the number of collectivities will necessarily be limited. So, if nations are one of the most relevant sources of cultural diversity and we want to preserve that, we need institutions representing nations.

I do not deny that nations have a relevant subjective element, but to become a nation is not something that depends just on the representation of a group as such. The self-representation of a nation is relevant to develop its objective features, but the point is not about the national sentiment[1348]. Although an individual can renounce her national affiliation in an emotional sense, she will continue belonging to a linguistic, institutional and historical context. Changing it is possible – just as nations change through time -, but as nations are not the mere sum of individuals attachments, they can still be considered on their political objectivity. Recognizing it becomes then a matter of

[1344] Buchanan (1991)
[1345] There are reasons to value cultural diversity as such (even economic reasons), but not necessarily the static image of cultural diversity at a specific moment. That is, cultural diversity in 2017 surely means something different than cultural diversity in, say, the 19th century. However, those transformations do not counter cultural diversity per-se and thus are not necessarily problematic. In other words: while cultural diversity is valuable, an essentialized view of cultural diversity is not.
[1346] Seymour (2007) p.406
[1347] Özkirimli (2005) p.76
[1348] Seymour (1998) p.9

justice, in the same way as primary goods are in Rawlsian theory[1349]. Nations might be contingent fictions in a relevant sense, but this does not exclude the fact that they are politically objective bodies that channel claims that are relevant for the individuals, making them subjects of morality. Before developing that idea, I hold that it is not about how individuals within a nation feel regarding their identity but about how they develop institutions that preserve a particular identity according to the will of those sharing that identity. Nevertheless, considering that this approach is grounded on the liberal perspective, it is not about justifying individual partialities in terms of moral duties towards other individuals. Every individual deserves equal respect, regardless of their nationality. At the same time, not every special relation we may have (it is still not clear whether *conational* falls under this category) can be considered morally justified when we talk about fundamental moral duties[1350]. There are partialities which are quite intuitively justified due to the intrinsic moral value of the relationship[1351] (the father-son relationship, for instance) but others which are harder to justify (race, gender, ethno-religious beliefs, etc.). In the case of shared nationality, even if we can believe that national belonging actually has certain intrinsic value for some individuals[1352], as I have argued, it can only justify a limited partiality (that which falls beyond the sufficiency threshold of our *tout court* cosmopolitan duties). In any case, the key point here is not the subjective dimension of nations in which the argument on partiality might be justified (although this has repercussions when state and nation are identified, as it can lead – and actually leads – to political partiality among states), but the political dimension of nations qua political facts and the rights they enjoy.

Regarding this dimension, it is relevant to come back to the distinction between both of its main features already introduced in Chapter 4: the cultural structure and the cultural character. Cultural structure is the one composed of a common language, common institutions developed in that language and a common institutional history. The cultural character, in turn, refers to values, customs, religion, ideas of good life, etc. and has been a constant challenge for liberal democracies. As I have argued, in a cosmopolitanized context such as the one in Europe, the cultural character answers less and less to national or territorial patterns. However, the cultural-structure, more connected with the territorialized claim for internal self-determination, persists as a consubstantial element of the political fact of the nation. The cosmopolitanization factor, in this case, pushes towards a deeper interaction of cultural structures. That is, the traditional overlapping/tensions between majority-minority cultural structures that constituted a nation (a phenomenon that happened in almost all societies in the world[1353]) are now also rising within transnational institutions. Therefore, if as I have argued the recognition of justified claims for internal self-determination is a moral issue[1354], if those claims are aimed to foster the recognition of a cultural-structure, then it is a moral duty to provide the means to sustain that cultural-structure. Or, in other words, it is a right that the national political fact is entitled to defend and the encompassing institution is entitled to provide. That is the sense in which self-determination can be understood as a right: as the right to be provided with the necessary means to advance justified claims regarding the political fact of the nation.

[1349] Idem p.10
[1350] McMahan (1997) p.162
[1351] *Idem* p.175
[1352] Guibernau (2013) p.49
[1353] Innerarity (2002) p.103
[1354] Seymour (2011) p.56

This approach allows us to escape from the ontological trap in which remedial and primary right approaches tend to fail, as they meet the conundrum of assigning a right to an entity, the nation, that rarely answers to standard features. Instead, it refers to individual claims channeled through institutions in a particular territory: while some individuals within a territory may claim their specific cultural-structure *qua* nation and advocate for their right internal self-determination to advance that cultural-structure, other individuals who also channel their claims through institutions may not claim such a cultural-structure (as in the case of cities or non-national regions within a federation). As the - persistent, I would add[1355] - claim to advance a specific cultural-structure is justified, then we may provide the means to allow nations meeting that right.

In sum, we may synthesize the argument as follows[1356]:

1. Under political liberalism, nations are considered from their institutional identities. In the institutional sense of the word, nations are political facts that channel individual claims regarding the features they want to rule collectively.
2. Nations, then, are an aggregate of individuals attached to a set of institutions to foster certain collective interests that can only be fostered through claims channeled by those institutions.
3. A cosmopolitan account should focus on defining which of those claims are actually justified from a cosmopolitan perspective.
4. Under liberal nationalism, nations are moral agents and autonomous sources of valid moral claims.
5. Under non-conservative liberal nationalism, since nations as described in (2) respect the other social actors, they themselves are minimally worthy of respect.
6. The claim to have the means - power - to maintain or advance a specific cultural-structure *qua* nation does not conflict with the cosmopolitan perspective.
7. As they are worthy of respect, they should have the right to maintain, develop and create their own institutions.
8. The right to self determination is the expression of the right to preserve, develop and create their own institutions.
9. Then nations have the internal right to self determination

This right to self-determination may be internal or external, and that is when the already pointed controversy with the idea of sovereignty arises. The internal right to self-determination is the nation's right to decide on their own political organization as well as on pursuing cultural, social and economic development while the external right to self-determination is the right to have your own state (or to violate the integrity of the state when a nation is part of an encompassing political entity). By the previous argument, the right to internal self-determination should be a primary right. The political realization of this right might vary depending on the context, but rit emains compatible with the primary right to internal self-determination of the encompassing institutional framework. External self-determination is not a primary right (there is no such primary right to dispose of an independent state) and absolute sovereignty rarely occurs in a rising interdependent political context that is almost always shared[1357]. It is rather a political issue that depends on the "international constellation of powers at a time"[1358]. In this sense, conceiving sovereignty as the right to act unilaterally through

[1355] Seymour (2011) p.59
[1356] Argument based on Seymour 2011
[1357] Innerarity (2002)
[1358] Harris (2009) p.171

the state – as defended by those who hold the UK's primacy over the ECtHR regarding PRV – is confusing the right to be recognized as a distinct nation with the right of exercising a legitimate authority no matter the issue at stake. There is no doubt that UK institutions are legitimate institutions (both in the legislative, judicial and executive branches). Meanwhile, it can be clearly stated that all the nations that compose the UK deserve the internal right of self-determination. However, this does not mean that the UK – as the institutional arrangement encompassing the variety of nations in the UK – is morally entitled per se to act unilaterally considering that (1) the UK is, as a result of an autonomous choice, member of an association that respects the UK's internal self-determination through the Scope of Deference Mechanisms, (2) HRP is an issue which, at least apparently, is a priority over any sort of collective claims, particularly as the right to advance those claims is not at stake and (3) the ECHR institutions' authority to rule over the UK (and the rest of MS) is as legitimate as the authority of the UK Parliament to rule over its nations.

Membership in the ECHR not only implies a direct effect, in terms of binding states to repair any breach of the convention law. It also implies - and this is the key cosmopolitan feature - a hermeneutic one[1359], as it breaks the primacy of the member-states to grant HRP and therefore advances further demoicratic integration (in the sense of providing channels to meet the requirement of transnational self-determination: the consideration of common interests instead of exclusive national interest). However, while doing so, it also refers to constitutional traditions[1360], that are considered through the scope of deference mechanisms. The problem with this view is that it results in a statist understanding of diversity. While in negative terms, this might not necessarily be problematic (i.e., if nations or regions within a member state infringe some right guaranteed by the ECHR, it is the state which is sanctioned[1361]), it is problematic in a positive sense as the scope of deference mechanisms are applied solely to the member states (not to its constitutive elements). While that will not be problematic in cases where the states have adequate mechanisms to grant the sub-state nation's (or nations') internal self-determination, it results problematic when that is not the case. Nevertheless, in those cases, the ECtHR will be favouring a statist understanding of diversity that could be compatible with the infringement of the nation's internal self-determination. In the case analyzed throughout this chapter, while the ECtHR is granting the UK's internal self-determination through the application of the scope of deference mechanisms, it is also violating Scotland's - as the clearest case - right to internal self-determination. This could be justified on the basis of concerns about political stability of the demoicratic project, leading the ECHR to endorse a statist understanding of national diversity while leaving to the intra-state political struggle the proper articulation of the sub-state nations within the encompassing state. Nevertheless, this view would do nothing but reinforce my argument that the UK's claims to reject the ECtHR decision on the PRV and even claims for external self-determination are not justified. Nevertheless, the ECtHR is considering constitutive to UK's internal self-determination how it deals with its internal national diversity[1362].

[1359] Elvira (2014) p.126
[1360] *Idem* p.131
[1361] *Idem* p.138
[1362] As Joxerramon Bengoetxea states, we may differentiate cultural plurality from legal pluralism, as the latter refers to "the normative claims made from the different cultures, at the more fundamental level of the rule of recognition of the sources of law" [Bengoetxea (2014) p.225]. In the case of the EctHR, it not only grants cultural pluralism on an individual basis, but also grants legal pluralism by granting nation-states their status of fundamental sources of law.

To conclude, I would argue that for the same reasons that a demoicratic theory must accept and respect the UK's decision on the Brexit matter, we should not accept a Brexit from the ECHR. Nevertheless, the former refers to a political conflict that, however opposed to cosmopolitan aspirations it might be, is not based on anti-cosmopolitan claims[1363]. In the case of the ECHR, in turn, given the nature of the common enterprise (granting and expanding HRP in Europe), the requirements to justify external self-determination must be much higher. That is to say, the right to external self-determination cannot prevail over the cosmopolitan aim of pursuing human rights. The threshold, then, should necessarily be much higher. The ECtHR has enough - although surely perfectible - mechanisms both to respect national plurality and multiculturalism in Europe. It surely must improve many aspects and engage in a fruitful dialogue including not only the UK and the rest of the signatory states, of course, but also other supranational human rights regimes such as the inter-American system. However, given its scope of deference mechanisms that widely grant member states' internal self-determination, it is already over the threshold of what a cosmopolitan understanding of nationalism can consider a valid plurinational regime. At least in the case of the UK's disenfranchisement, it clearly is. The citizens of the UK, the very plural (national and culturally speaking) British nation, have their right to be listened to, empowered, duly recognised, respected and accommodated. Little wonder, in a cosmopolitanized Europe where the exclusive nationalist positions and the exclusive sovereign states belong increasingly to the past, that right should be weighed with our cosmopolitan duties. In this case, the duty of promoting HRP beyond the nation-state boundaries.

There is no complainr that a British cosmopolitan, however nationalist it might be (and, as argued, nationalism can be a reasonable position), may give rise to claims to justify external self-determination from the ECtHR. I am not arguing in favour of impeding the UK from stating their claims, but the duty of a cosmopolitan regime is to analyze the justifications underlying the claim and, if it is not valid, oppose such a position. In such a crucial issue as HRP, there is no alternative but to endorse a demanding cosmopolitanism. In other areas, it might be possible to justify external self-determination on the basis of a weaker justification (a cultural nationalist, for instance, may provide valid justifications to ground her claim to secede from UNESCO with regard to a much lower demanding threshold). However, in other areas where nations engage into cooperative institutional frameworks - such as the nonproliferation of nuclear weapons (EURATOM), global expansion of sustainable development (UN) or the treaties to fight against climate change - the threshold to justify secession from a cosmopolitan perspective should be much higher. This implies that, in those cases, the national claims for external self-determination should be weighed with the cosmopolitan claims on the basis of a stronger understanding of the all-affected or all-subjected principle (or, in broader terms, transnational self-determination). That is to say, the nation claiming external self-determination should prove that their claims for external self-determination, if materialised, will not result in negative unintended consequences (legal, economic, cultural, social or political) on those beyond their national borders. I

[1363] While some of the advocates of the Brexit justified their claims to external self-determination on the basis of unjustified reasons (as it did not meet the basic principles of hospitality, cosmopolitan tolerance and transnational solidarity endorsed by a *tout court* cosmopolitanism), it would be naive to believe that the Brexit vote itself was a massive expression of anti-cosmopolitanism. That is to say, even if the result might go against the ideal cosmopolitan arrangement of a demoicratic view of Europe, the decision was not taken on those grounds but on the basis of acceptable controversies within any pluralistic account of democracy.

agree with the demoicratic theory that in other institutions such as the EU, where goals are much broader and it is not clear whether opting out will imply necessarily renouncing those goals, the threshold should be lower (although the *both* national *and* cosmopolitan logic should continue to apply). That is, secession should be a more acceptable possibility.

What does this imply in practical terms, that is, beyond the merely normative dimension? Even if providing a solid answer to this question falls beyond the scope of my thesis, I would suggest at least three guidelines for those institutional frameworks where nations join togerther to address urgent transnational issues - such as the ECHR -:

1. The scope of deference mechanisms should be very clearly defined in order to ensure that claims on external self-determination are not justified on the basis of a breach of internal self-determination.
2. The requirements for withdrawing from the institutional framework, given the reason they were created (enabling cooperation to address an urgent matter), should be much higher than the requirements to withdraw from those institutional frameworks where cooperation between nations is not so urgent (such as plurinational states, where in this respect, secession of an internal nation will only affect the boundaries of the cooperation, not cooperation itself).
3. If there are other kinds of reasons (political, strategical, military or even economic) to accept the possibility of external self-determination, the remaining nations should be entitled to apply some sort of measures (preferibly soft-law, as hard measures tend to result in even worse consequences than the intended reparation) that may both discourage other members from following the same path and also locate the burden of the withdrawal on the seceding nation.

I am aware that these guidelines are surely controversial, but I simply aim to illustrate how a both/and logic applied to the cosmopolitan realm could work in non-ideal circumstances. In sum, when issues such as granting human rights, avoiding a nuclear catastrophe or impeding the consequences of climate change are at stake, it sounds reasonable to create a more demanding cosmopolitan standard to weigh national claims for self-determination, particularly when it refers to external self-determination. Even more so when these kinds of issues already have a legitimate institutional framework to foster cooperation and advance common interests. In this sense, while in other cases - seceding from political institutional arrangements such as the EU or a nation-state -, even if the decision might be controversial, I would advocate for a more cooperative position once the decision has been taken by the seceding party. Nevertheless, in those cases, the arguments that may rise to justify the claim are more subject to contextual power relations and partisan conflicts, making it harder to weigh the validity of the justifications from a cosmopolitan perspective (notwithstanding that there might be other reasons to oppose it, such as considering the claims illiberal, opposed to HR or, as argued in Chapter 5 Section III, non-solidary). Moreover, in those cases, the issues at stake are not as pressing or as decisive as in the case of the ECtHR. This does not mean that in those institutions created to deal with urgent matters there are not issues of legitimacy, decision-making or even scope of deference mechanisms to correct, but this applies equally - and even more persistently - to the nation-states and this does not take us to the conclusion that nation-states are not valid at all. Ultimately, the UK's position regarding the ECtHR decision seems to follow the same reasoning as the student in Sandel's case: if the ECtHR were taking the decision to prohibit a blanket ban on prisoner's right to vote in order to undermine the UK's internal self-determination, it

could be the case that the UK's claim against the ECtHR or even the threat of withdrawal could have been duly justified. However, insofar as the ECtHR applied the scope of deference mechanisms – up to the point of not telling the UK which should be the level of enfranchisement, but just highlighting the current full disenfranchisement was against the convention law –, the ECtHR's decision has nothing to do with the UK's internal self-determination. Therefore, the UK could keep holding a non-cosmopolitan nationalist position, assuming an either/or logic that is hardly compatible with a cosmopolitanized Europe. Nevertheless, those who advocate for a cosmopolitan nationalist position should equally oppose the position and advocate for an institutional design that may imped their success.

CONCLUSION

I began the thesis by stating that on January 1st, 2015, we lost many things: a brilliant sociologist, a persuasive activist, and an influential intellectual. But, above any other consideration, we lost 'one of us'. It is crucial to understand the dimensions of this statement to understand Ulrich Beck's work and, particularly, his cosmopolitan proposal. Nevertheless, when I started working on this thesis, I found his aim of overcoming the us/them divide quite offensive - both intellectually and personally. I thought it was a 'cosmopolitan-as-usual' type of statement: we renounce the us/them division as we do not really care about the majority imposing (explicitly or implicitly) their identity and rules over the minority. In fact, that was my main motivation when I started to analyse Beck's work: to prove him wrong. Luckily, I would say, while I was getting increasingly immersed in his work, things began to get more complicated. I realized that it was not so much that Beck aimed to overcome the us/them division but that he wanted to transform it. He wanted to prove that the division, while existing, should not necessarily take us to the egoistic, autarchic, irresponsible, careless, conflicting dynamics where it took humanity in the late 19th and 20th centuries. Moreover, he did so not by following the path of so many others contemporary cosmopolitans, focusing on the wrongness, the evil, of nationalist or national positions. He did so showing, through the deep analysis of the socio-political reality of his time, that things have changed. That is, showing the nationalists that if they (we) want to hold their views, they had better start adapting them to new socio-political realities.

However, while doing so, he still made some mistakes. In his attempt to provide a complete chronicle of our time and the challenges we were facing as humanity, he tried to cover all the elements involved. This, while leaving behind a sort of Emilè Zola type picture of the late 20th and early 21st centuries, a period of special turmoil and uncertainty, led him to make some substantial mistakes. The urgency of the issues he wanted to warn us about (from humanity to each of us, going through the villages, regions, nations, states and international organizations), made him lose the analytic track. In this sense, I would say that he opened some very important windows both to look at a transforming socio-political reality and to introduce some fresh air on our conceptions. However, he did not manage to find an adequate balance when describing what he found on the other side of the window nor, subsequently, to tell us how we might better deal with it. His description of the ongoing cosmopolitanization of reality, surely requires plenty of nuances: I am sure - and that is what he actually showed in his works - that he would have been the first one to welcome those nuances. Moreover, that work is already being done around the world, where multidisciplinary groups of researchers are trying to complete the blueprint of a transforming reality that he provided.

In this thesis, I have tried to address one specific area of his work and of his description of this transforming reality that I found both more promising and more in need of review: his cosmopolitan proposal. I have done so as I consider that one of the balances he lacked was an adequate understanding of how we may articulate diversity (either within or between the nations) with both our cosmopolitan concerns and, specially, a cosmopolitanizing reality. Throughout the thesis, I have tried to help find this balance. I am sure I have not managed to find a solution: that would have been too pretentious and not everyone has Beck's ability to grasp reality in its entirety. However, if I have managed to identify some aspect that need to be reviewed in his proposal and to shake some the assumptions that we, social scientists in general and political philosophers in

particular, tend to take for granted, I would consider this work a step forward. In my case, at least, the impact has been definitively achieved.

What I have done and what reminds to be done

What I have done

With that framework for my attempt, I will now describe, in a five-point synthesis, what I have done in the thesis. Elaborating such a summary is not at all easy, as going through Beck's work takes the researcher on very diverse paths. I have very frequently started walking along those paths, exploring those areas where Beck introduced (either with a complete piece of work or with a single paragraph or sentence) some thought-provoking hypothesis. Still, I have most often tried to turn back and focus again on the aspects of his work that I was trying to address. However, this has not always been possible due to his lack of systematicity; the slopes and derivatives of his work were as multiple as unexpected. He barely addressed the impact of climate change on global trade patterns just after suddenly analysing the impact this had on the integration policies of Stuttgart. I do not doubt that he managed to show a comprehensive explanation of how all these global/local phenomena are intertwined, co-dependant, mutually affecting. However, political philosophers are used to working with clear-cut distinctions, complete arguments, somehow delimited (often oversimplified) realities. In this sense, the following synthesis of the work I have attempted is not exhaustive: I am aware that I have addressed many other areas, but I found these five to be the ones I have developed most extensively.

The first purpose of my thesis has been reconstructing Beck's work to identify the core elements of his cosmopolitan proposal. This has implied not only analysing his work as a single package - with some few exceptions that barely touched upon the perspective I aimed to address -, but understanding how all, or at least the main elements of his work, conditioned each other. That is to say, there was no chance of addressing his cosmopolitan proposal without first understanding how he conceived issues such as modernity, power, reflexivity or even scientific methodology. Nevertheless, his work provided a huge conceptual and descriptive map where cosmopolitanism was merely one part of the full picture. However, the virtue of his work was also to avoid any systemic failures. That is, insofar as the starting point of his proposals was always reality itself - either a timely phenomenon that he experienced in an airport in Shanghai or a complete sociological study with thousands of factors considered -, it might be that the conceptual and descriptive map he develops from that reality fails in some aspects, but his call for the need to address that reality will persist. That is, mostly, what happens with his cosmopolitan proposal: the need to cosmopolitanize the elements at the core of our reflections (namely the subjects - both individuals and institutions - and their interactions) is not ruled out as a result of Beck's wrong or incomplete analysis. That is, precisely, what I found in the cases of the three fundamental normative elements that I address: national secularism, community of global risks and (European) Cosmopolitan Empire.

Before mentioning the key features of these three normative elements, it is fair to note that none of them is presented, as I have tried to explain in the analysis, in absolute terms. That is to say, given that Beck's fundamental goal was not developing a new theory of cosmopolitanism (understood as a philosophical account) but a wider cosmopolitan proposal, the normative elements appear in diverse, nuanced and even

contradictory ways. The fact that Beck's aim was more focused on elaborating a cosmopolitan view - i.e., how social sciences should deal with the ongoing cosmopolitanization - explains this phenomenon. However, as I have explained, this attempt was not neutral. That is what I have attempted to do: bring those non-neutral statements to the surface to reveal their shortages. The three elements that I identified, in this sense, could be reasonably considered as fake categories: I have only synthesised these normative claims in three more or less isolated proposals for analytical purposes. In this sense, it could be the case that other reviewers of Beck's cosmopolitan proposal would find other categories better suited to capture the underlying normative claims. Still, I hold that the ones I chose manage to advance my purpose: showing the normative tensions within his proposal. In the case of what I have called national secularism, those normative and descriptive tensions arise when contrasting his understanding of the nation with competing accounts provided by the literature on minority nations. In the case of the 'communities of global risks', the normative and descriptive gaps arise both when compared with the theories of multiculturalism (and, on a different level, interculturalism). Finally, in the case of the '(European) Cosmopolitan Empire', the comparison with the theories of demoicracy and transnational self-determination show alternative ways of advancing his cosmopolitan goals.

Nevertheless, from a strictly philosophical perspective, there is a more fruitful path to address his cosmopolitan proposal, that is, analysing the three principles upon which he aims to ground his project. In this regard, I have tried to pull out the three principles that - from the perspective of cultural, moral and political cosmopolitanism - provide a richer framework for an analysis: the principles of hospitality, cosmopolitan tolerance and transnational solidarity. The first principle refers to the hypothesis that, in a cosmopolitanized world, national political communities must include the interests of those beyond the community borders in their decision-making processes. A proposal that reciprocally implies that those beyond the national political communities should also have the chance to consider our national political community's interests in turn. The second principle, cosmopolitan tolerance, implies that national political communities as well as the transnational institutional regimes in which they may engage, cannot assume a container-like understanding of diversity. That is to say, while diversity should be both valued and accommodated, this should not imply any essentializing understanding of diversity that may ignore (or even oppose) the cosmopolitanization of individual identities. The third and last principle, that of transnational solidarity, aims to break with the assumption that individual solidarity is defined exclusively by national bonds. That is, it aims to overcome the assumption that national solidarity is the result of a shared identity (and its subsequent common trust) and, therefore, the lack of such a shared identity impedes the possibility of building solidarity bonds beyond the national political community. This understanding of solidarity is challenged by a cosmopolitanized world.

I found that these principles, which are the philosophical consequence of his analysis of the cosmopolitanization of socio-political reality, constitute Beck's main contribution to the debates on cosmopolitanism. However, this does not ignore that while Beck succeeds, in my view, at identifying the principles, he does not manage to develop them very well. That is the fourth exercise I have done throughout the thesis: reviewing those principles in the light of the philosophical debates on those matters. In this sense, I have reviewed the principle of hospitality with the debates both on the 'boundary problem' of democracy and the 'no-demos' thesis. I have tried to illustrate that in order to constitute

a valid principle, Beck's proposal should overcome (or at least clearly position himself regarding) the controversial elements identified in the debates between the all-affected and all-subjected principles of democracy. Regarding the principle of cosmopolitan tolerance, I have reviewed it through the main trends of the multicultural debates on the institutionalisation of collective identities. I have tried to explain how Beck's proposal, in order to achieve his goal of positively accommodating diversity, should provide a more sophisticated understanding of both intra-nation and inter-nation diversities. Finally, regarding the principle of transnational solidarity, I have contrasted its content with the understanding of solidarity provided by both liberal nationalism and moral cosmopolitanism. I have suggested that if transnational solidarity wants to succeed, it should more carefully consider the relevance of intra-national solidarity patterns as well as the normative grounds of an attempt to build a feasible framework of cosmopolitan rights/duties.

Finally, I have tried to test the potential application of Beck's (nuanced) cosmopolitan proposal in a particular case-study: the tensions between the European Court of Human Rights and the United Kingdom regarding the national and transnational means of protecting Human Rights. I have not attempted to determine the most appropriate solution for the particular case (prisoner's disenfranchisement) nor an exhaustive legal analysis of the case. The latter analysis corresponds to both legal and moral theorists (and there are plenty of works and debates on that matter), while the former corresponds to researchers of both European and Constitutional law. Instead, I have tried to illustrate how the understandings of sovereignty that do not consider the cosmopolitanization of the socio-political reality (at least in Europe) tend to replicate a statist view of national diversity that leads to a misleading understanding of the right to internal self-determination that any multinational regime should avoid. From this argument, I conclude that even if there might be other sorts of reasons to justify the UK's ability to reject the ECtHR's decision and even subsequently withdraw from the Convention, this position will not be compatible with any minimum cosmopolitan standpoint.

What reminds to be done

Having described, briefly, what I have developed in the thesis, I believe it is relevant to list what I have not done. Nevertheless, I think that one of the main virtues of Beck's proposal is also the element that is most problematic for any attempt to work through it analytically: the sheer number of topics that he addresses in his work. In this sense, there are at least three fundamental areas of his cosmopolitan proposal that I have not considered in my work: his approach to global inequalities (in connection, also, with global risks), his understanding of just military intervention and his thoughts on the impact of cosmopolitanization in the global trade regimes. On the first element, while I consider it a crucial challenge of our time, I believed that duly addressing it would have implied a full work devoted to that topic alone. I have the intuition that his perspective could provide a promising path to refresh the basic framework of analysis of the Global Justice debates (including, crucially, the gender perspective). On the second area that I have not considered, given that he explicitly addresses the topic of War in a cosmopolitanized world, I believe that reviewing his proposal in the light of the theories of Just War (thoroughly comparing it with the normative accounts proposed by authors such as Michael Walzer, Jeff McMahan or Cècile Fabre) could either provide new paths for research or introduce relevant nuances to Beck's proposal (which, given his influence on public debates and sociological research, would be a relevant outcome). Finally, regarding the possible application of his cosmopolitan proposal on the debates

about global trade, although I have not addressed it in my thesis, it seems plausible to affirm that his idea of 'denationalized workers' and 'reflexive class identity' could provide new ways of approaching the debates about the 'losers of globalization' and new forms of precarious work.

The other work I have failed to address is the potential implementation of Beck's work in other fields of social and even natural sciences. Nevertheless, if as I will argue in the next section, one of his main contributions has been to show the limits of the traditional methodological views assumed with these disciplines, I believe that the consequences of systematizing and analytically reviewing its normative implications could also be translated into those other disciplines. Nevertheless, in my work I have restricted myself, largely, to fields such as moral and political philosophy, legal and political theory and, to a lesser extent, European Studies, international relations and anthropology. Therefore, it's still a work to be developed considering the impact of the normative elements that I have identified and explored in fields such as the economy, studies on climate change, private law, cultural studies or even policy-making on research and knowledge management. All those areas are considered by Beck in his cosmopolitan proposal, making it more relevant - that is, beyond the potential impact that review may have in itself - to review them in the light of the nuanced understanding of his proposal that I have explored throughout the thesis.

Finally, there are three fundamental arguments in my thesis that I have just begun to explore. Nevertheless, it would have been too pretentious (and materially unfeasible) to both reconstruct Beck's work and also provide definitive answers to the main moral and political philosophical debates that I explore. In this sense, if while reading any part of the thesis, the reader gets the impression that I have attempted to give any definitive answers, it is simply due to a rhetorical excess from my side. That is to say, while there are some normative assumptions that I have tried to reasonably defend, I am perfectly aware that any attempt to hold them as definitive answers requires further analysis. These key arguments would be:

1. Critical/Reflexive Multiculturalism: the main arguments that I need to develop further in this regard are, in my view, the way the principles are translated into actual policies in fields such as education, language, memory, media or public culture (i.e., on issues as diverse as museums, scholarships/subsidies or the naming of street). The other aspect that I may further explore is the universal validity of the proposal in terms of providing adequate answers for the integration of diversity. For that aim, I may mainly test the proposal in non-western contexts as well as in areas where other sort of policies (such as interculturalism in Quebec) have provided adequate solutions to the challenge of diversity.
2. The interaction between municipalism and nationalism: we are witnessing the increasing and growing relevance of municipalist movements all around the world. In most cases, they not only provide an alternative framework for tackling global challenges, but also an even deeper impact in terms of transforming politics itself. In my thesis, I have suggested that these new trends of politicization, if willing to succeed and have an actual impact at the regional and global levels, should necessarily be accompanied with a transformation of the nation. However, I am aware that the thesis needs further development in terms of how the actual interaction between both levels and dynamics should be arranged.

3. The transformation of trust-solidarity-identity links: finally, the last area that I am aware is underdeveloped in the thesis is the combination of new patterns of individual and collective identity building with the institutionalization of the new national and transnational bonds this generates. I have the strong intuition (conviction) that the assumption of conservative liberal nationalist views leads to a restrictive path that makes it hardly suitable for meeting our cosmopolitan duty of transnational solidarity. However, I am also aware that the advocates of that position in general and David Miller in particular, have provided several objections that I have not answered in my thesis. The challenge then, in this case, would be to develop an argument based on this cosmopolianized understanding of national political communities that does not beg the objections raised by conservative liberal-nationalism. Furthermore, the challenge will be to do so without falling into the tendency of the blind cosmopolitanism to overcome the challenge by directly rejecting any relevance to nations, nationalism or national belonging.

Having analysed what I have done and what remains to be done, in what follows I analyse the main lessons that I have learned in this process. I do so mainly by analysing the virtues and shortages I have identified.

What lessons have we learned from the analysis?

Lessons from

Focusing on the lessons I have learned from Ulrich Beck's cosmopolitan proposal, I would distinguish between two main dimensions: one general and one particular. The former refers mainly to the methodological contribution that Beck provides with the idea of a 'cosmopolitan view'. The latter, in turn, refers to the specific normative contributions we can infer from the analysis of Beck's cosmopolitan proposal. Focusing to the first element, I would say that Beck's attempt to build a cosmopolitan turn, despite its shortages (that I address in the next part of the section), addresses a pressing need of social sciences: overcoming the 'national outlook'. Little wonder, if the social sciences aim to provide adequate answers they should, at least, be right in three different but connected levels: the description of elements that constitute the reality they analyse, the diagnosis about the problems found in that reality and the solutions they provide to those problems. I will not go so far as to say that hitting the target on each of the levels is a necessary condition to provide solutions. Analytical philosophy, with its justified aim of rationalization that tends to build arguments on a necessarily simplified understanding of reality, has provided plenty of valid solutions. Neither am I saying that Beck's proposal completely overcomes all the epistemic biases we face as social scientists or philosophers. However, he brings into focus that the way they have been addressed from the 'national outlook', as if the world were still ordered as it was in the early 20th century, is necessarily misleading. Nevertheless, even if his description of the 'national outlook' may oversimplify the issue from a strictly academic perspective (due to its normative failures), it does challenge the contemporary socio-political dynamics. That is, even if researchers keep developing sophisticated debates about how we may conceive this 'national outlook' to make it compatible with contemporary transnational challenges that affect individuals beyond the national communities, these debates are far from being implemented in real life socio-political interactions. As an example, we have

lately witnessed the inability of the European Union to overcome its most urgent internal and external crises.

The latter, the particular dimension of Beck's cosmopolitan proposal, refers mainly to the tensions that arose in the aftermath of the 2008 economic crisis: the crisis in the Eurozone, the legitimacy issues resulting from austerity policies, the conflicts between democracy and technocracy for the bailouts of Greece or Portugal, the debates regarding the independence of the European Central Bank, the difficulties with building a common understanding of the values and principles involved that sustain the EU (with the rise of radical right eurosceptic voices or the accusations of the Hungarian government's non-democratic drift) or the regional disparities that the EU is incapable of tackling. Regarding the external crisis, we may highlight: the shameful management of European borders (with the barbaric situation in the Mediterranean sea as the paradigmatic case), the difficulties with building a consensus around the signatures of international trade agreements (Comprehensive Economic and Trade Agreement [CETA] and Transatlantic Trade and Investment Partnership [TTIP] being the key cases), the lack of a single European voice in the world and the subsequent weakness vis-à-vis international conflicts, the inadequate/ineffective interaction with the closer countries (with the Turkish situation, the Russia/Ukraine conflict in Crimea or the most recent rise of protests in Morocco) or the problems with articulating a common counter-terrorist reaction. Arguably, all these cases reflect problems of 'national outlook' that Beck claimed since 1986. It would be unfair to ignore the fact that improvement has been made - mainly as a result of the pressure of the emergencies Europe has been facing, somehow proving right Beck's thesis about modernity -, but we still see how in those cases national interests continue to be conceived in opposition or even hierarchy to transnational interests. Therefore, Beck's proposal to shape the way we address transnational challenges, at least in the framework of the European Union, seems to me a very valuable and necessary claim.

On a more normative level, I would first highlight Beck's claim about the need to rethink the nation itself. While there is plenty of literature about the way nations, nationalism and national belonging are being transformed with globalization (both internally and externally), still most of those views tend to beg one question: being as it is that individuals continue to be connected with their national frames of reference, they are more and more connected (not merely culturally, but politically, legally, economically, affectively and, for sure, communicatively) to citizens all over the world in a way that they were not in early modernity. This, of course, has an impact on how they interact with the institutions beyond national political communities. But it also has an impact on how they interact with other national political communities. The myths and banal features of nationalism, while persisting, do not occupy a central or exclusive role on individual's identity formation. In other words: individuals are constantly proving that they are capable of a polygamy of bonds: a Catalan citizen who very much favours the importance of the self-government of its national institutions in Catalonia (and even Spain and/or Europe, that is not my point here), for instance, can be equally concerned about rescuing human beings who are shipwrecked on the Mediterranean when escaping from war or misery. The synchronic logic that Beck is permanently praising is, in this sense, more of a way of normatively capturing some dynamics that are already happening than a normative desideratum. I think that Beck's claim to rethink the nation on this basis is, in that sense, an unavoidable task that, at least in Europe, has not been resolved.

Finally, the last feature that I see as a very valuable lesson that we may learn from Beck's work is the need to adapt democratic theory to this new paradigm. Once again, the value of Beck's proposal arises more in negative terms - how we should not think of democracy in the paradigm change - than in positive terms - how we should conceive of democracy in the paradigm change -. However, his focus on how global risks and interdependencies are forcing both political theorists and citizens to rethink democracy, provides an innovation that differs from other efforts (mainly attempted by global theorists) in a very specific feature: he aims to do so by departing from a thorough analysis of reality. In a more graphical way, we can say that while theorists of global democracy devote just the initial part of their works to describing and presenting a diagnosis of the ongoing paradigm change that justifies the need of rethinking democracy and then proceed to elaborate complex normative arguments, Beck's proposal works the other way around. He devotes the majority of his works to thoroughly describing and diagnosing the paradigm change, devoting a minimum part to suggesting how we might rethink democracy in that new scenario. Theorists of global democracy elaborate descriptions of the procedures, mechanisms and regulations that apply in the institutional realms they deal with, but their arguments on those topics are often built on pretty weak empirical bases. The virtue of Beck's approach, in my view, is that he manages to build much stronger foundations. Fortunately, we are witnessing how more and more academics are departing from those grounds to develop their arguments. The question of how fruitful this may end up being - or whether the grounds described and diagnosed by Beck are right - is still waiting to be proved. But the proposal opens a new way of thinking about democracy that might lead us from the crisis in which we seem to be right now.

Nuances

Following the positive lessons learned from the analysis of his cosmopolitan proposal, we may now review its shortcomings. As a first nuance, we may refer to its infra-complexity[1364]. Nevertheless, as Beck's proposal focuses on a single dimension (the need to rethink the nation-state), it necessarily disregards other valuable elements that might be equally relevant. That is, it could be said that Beck's methodological proposal of a cosmopolitan turn for social sciences, while valuable and path-breaking, is still infra-complex. It is true that he does address other dimensions in his wider work (the works, for instance, on the new family bonds, job-market interactions, climate change politics or new forms of non-institutional politicization). However, he does not implement them systematically in the cosmopolitan turn proposal. In other words, as his attempt at proposing an alternative way of conceiving the social sciences is mainly focused on abandoning the national-outlook (that is, on abandoning the national political communities as the main frameworks of reference for the social sciences), his methodological proposal does not capture all the complexities of the paradigm change. In other words, we may say that while he aims to overcome the territorial delimitations of the national outlook, his proposal is only focused on the spatial dimension of the social sciences. In this sense, he does not say how we may adapt the social sciences to take into account other dimensions of the paradigm change. This will include, mainly, the temporal (i.e., how we conceive, for instance, socio-political dynamics regarding the short-termism of politics, increasingly pressing intergenerational duties or the different

[1364] I have to admit that in this and the last nuance I have been very much influenced by Daniel Innerarity's work, although the way I develop it is based on my own understanding and, therefore, I assume the responsibility of any misinterpretation.

tempo of politics, economics and social dynamics) and epistemic dimensions (i.e., how we deal with objective truths in the era of hyper information or how institutions interact with societies that shape their opinions in the era of social networks). He does address some of those elements, but his methodological turn does not provide a guideline nor the tools on how social scientists should include them in their descriptions and diagnosis, which will necessarily lead to infra-complex solutions.

The second nuance that we may introduce to the lessons learned from the analysis of Ulrich Beck's work refers, mostly, to the normative shortcomings I have already addressed throughout my thesis. These problematic elements of his cosmopolitan proposal refer, according to my analysis, to his understanding of nations, nationalism and national belonging. However, these elements reflect a deeper problem in his work, to wit: that while addressing topics of those normative debates that interact with his description and diagnosis of the socio-political reality, he did not address them evenly. As a result, some of the normative elements underlying his work, while pointing to relevant aspects that were not duly addressed in the literature, provided little ground for discussion. The case of multiculturalism is the one that struck me most strongly: his critique, pointing to a crucial challenge as the risk of essentializing cultures, was based on very unfair considerations about multiculturalism. It might sound anecdotal, but unfortunately, it is not: he quoted Mario Vargas Llosa when referring to the problems around multicultural policies. However brilliant a writer Vargas Llosa might be, his contribution to the debates about multiculturalism is non-existent. By contrast, there are plenty of great scholars and activists working and debating about multiculturalism. None of them is quoted or included in his work. If this would have happened only with the case of multiculturalism, I would not have considered it a major issue needing to be improved in his work. Nevertheless, this pattern is repeated in most of the topics he addresses in his work. To be fair, it is true that while maintaining this problematic standpoint, he also shows a great ability to assimilate the critics and nuances suggested by other researchers. In this sense, it might be the case that his higher goal (building a society capable of addressing the risks that threaten its own existence) required him to maintain this provocative tone and to devote his time to issues, such as sophisticated academic debates, that fall beyond his ambitions. Even now, after working so long on his work, I am not sure about the virtue of that position. However, I acknowledge that, as a researcher, it is my duty to stress it.

Finally, one last lesson of his cosmopolitan proposal is not as much of a critique but a complementary comment: while his approach aims to be realistic (as opposed, in his view, to philosophical or political), it lacks a proposal on how we may actually implement it in real politics. That is to say; he is very much focused on how we have to reshape democratic institutions and their interaction with citizens beyond the limits of early modernity's national outlook. However, he does not describe how we should actually govern those transformations. Nevertheless, politics is not only subjected to socio-political transformations and the principles we may propose to address those transformations. Politics is also subjected to factors as hard to control as political opportunity, political culture, political intelligence, inventiveness, nudging or even political communication. None of these elements are considered in Beck's work when presenting his cosmopolitan proposal. This does not make his proposal less valuable, as it would probably have been unfeasible to also consider this dimension in his work. However, I find it relevant to note that, notwithstanding the relevance of his work, these aspects should also be considered by any realistic attempt of implementing the cosmopolitan turn in actual politics.

What kind of day has it been

As a kind of conclusion, on a more personal note

There is a Basque song that states ‘zaindu maite duzun hori’, ‘take care of that what you love’. As I have stated at the introduction of my thesis, I think it is fair to admit that I love my country, the Basque Country. However, when I started working on this thesis, I probably conceived that love in a very different way than I conceive it now. While it was always clear to me that my positive feelings were not in opposition to the rest of the world, that intuition did not used to have much development beyond the simply rhetorical. In that sense, if I have learned anything in this long dialogue in which I have been engaged with Ulrich Beck, it is to move forward from mere rhetoric to a deeper understanding of the meaning of that feeling. I have understood what it actually means, in today's world, to value national belonging. It implies assuming that affirming the self of the nation is only justified if we understand this in deeply diverse terms internally and in permanent pursuit of cooperation with the rest of the world. It might sound naive, but I am deeply convinced that if we renounce realistic utopias, we are implicitly accepting the wrongness of reality. This does not imply ignoring the conflicts that beset our everyday lives. Conflicts that, while they generally have little or nothing to do with any nation-related features, are also chaneled through the national institutions. Conflicts where the national and global dimension interact on a permanent basis.

For the generation of my grandparents, those conflicts were very much the result of a Civil War and a Fascist Dictatorship that defined their life-world. But it was also about gender inequality, class struggles, cultural iliteracy, ethno-linguistic tensions with Castilian populations, the lack of a minimum welfare state or the isolation from the rest of the world. For my parents’ generation, it was about building the institutions that could advance a fair democracy after such a dark period. But it was also about definitively overcoming the ethno-linguistic conflicts, building a framework of cooperation with the rest of the European nations (including mainly, for obvious reasons, France and Spain), opening to a globalised world, building a welfare state, pushing the Basque Country to the current definitively improveable but certainly remarkable position in gender equality rankings or ensuring the permanence of the Basque language and culture. My experience of conflict as a Basque citizen began, among other events, with the killing of Miguel Angel Blanco, one of the last barbaric expressions of terrorism suffered in my country. It also began with the unfair closure of the only newspaper published in Basque language, Egunkaria. But it also began, as a citizen of the world, with the attack on the World Trade Center. I experienced those conflicts when I was growing up to become an adult, leaving a very persistent mark on my understanding of the world. Since then, I have experienced plenty of conflicts and, for the first time, thinking about challenges beyond the borders of my nation is not a mere rhetorical desideratum: we have the means to cooperate. If I have learned anything by analysing how conflicts have evolved since my grandparents’ generation – as the one from which I heard the first historical reference – it is that we cannot use conflict as a means to deny our duty to cooperate to overcome them. For my generation, as a Basque citizen of the world, this implies ensuring that an Argelian-born Basque citizen could become the President of the Basque Country. It also implies fostering transnational cooperation. Eighty years ago this year, almost ninety percent of Gernika was destroyed. Today, it is a perfectly peaceful village in a consolidated democracy. I cannot but think that eighty years from now, the Syrian citizens of the world living in Aleppo will enjoy the same opportunities. It is our cosmopolitan duty to work for that to happen. Because only then will we be justified in loving our countries: only if we also love the world and permanently work to prove it.

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