Catholicism and Cosmopolitanism: the Confluence of Three Catholic Scholars and the Cosmopolitan Democrats on State Sovereignty and the Future of Global Governance

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One of the central questions in international relations today is how we should conceive of state sovereignty. The notion of sovereignty — 'supreme authority within a territory', as Daniel Philpott defines it — emerged after the Treaty of Westphalia in 1648 as a result of which the late medieval crisis of pluralism was settled. But recent changes in the international order, such as technological advances that have spurred globalization and the emerging norm of the Responsibility to Protect, have cast the notion of sovereignty into an unclear light. The purpose of this paper is to contribute to the current debate regarding sovereignty by exploring two schools of thought on the matter: first, three Catholic scholars from the past century — Luigi Sturzo, Jacques Maritain, and John Courtney Murray, S.J. — taken as representative of Catholic tradition; second, a number of contemporary political theorists of cosmopolitan democracy. The paper argues that there is a confluence between the Catholic thinkers and the cosmopolitan democrats regarding their understanding of state sovereignty and that, taken together, the two schools have much to contribute not only to our current understanding of sovereignty, but also to the future of global governance.

Introduction

How should we conceive of state sovereignty? Understood as 'supreme authority within a territory',[1] the idea of sovereignty is commonly conceived as the heart of the modern anarchical 'system' of states that followed the Peace of Westphalia in 1648.[2] But it has

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[1] Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton, N.J.: Princeton University Press, 2001), p. 16.
[2] Daniel H. Nexon and Benno Teschke have challenged the 'Westphalian hypothesis' on historical grounds. According to Nexon, defenders of the hypothesis cite Westphalia in order to accentuate

been called into question in recent times for two main reasons. First, with the end of the Cold War, we have witnessed not only the need, but also the opportunity to protect minority populations in such places as Rwanda and Bosnia from grave human-rights violations. Thus the United Nations has endorsed the idea that states have the responsibility to protect their citizens from such harms, but that should they fail to meet this responsibility, the international community is obliged to intervene in their place, if necessary by armed force.[3] At the same time, we witness an increasingly integrated global society characterized by the breakdown of the traditional distinction between domestic and foreign affairs. Emblematic in this regard is the European Union, where the management of a single market is best characterized as both domestic and foreign business. As British diplomat, Robert Cooper rather humorously puts it: 'The European Union is a highly developed system for mutual interference in each other's domestic affairs, right down to beer and sausages.'[4]

Cooper is quite serious, however, when addressing the global state of affairs that currently confronts us. He begins his book, *The Breaking of Nations: Order and Chaos in the Twenty-first Century*, with a warning:

> The worst times in European history were in the fourteenth century, during and after the Hundred Years War, in the seventeenth century at the time of the Thirty Years War, and in the first half of the twentieth century. The twenty-first century may be worse than any of these.[5]

Cooper's point here is that the first two periods were times when order broke down, when church, state and other ties of obligation were losing their power to manage man's aggression, and that the century we now face manifests similar trends.

the role of the Protestant Reformation in the development of the modern state system. But he sees two major problems with this line of reasoning: 'First, it confuses the emergence of a number of *elements* of the configuration we associate with sovereign-territorial states system with the actual instantiation of such a system. Second, it fails to make a convincing counterfactual case that, in the absence of the reformation, military-technical, economic, and ideational change would not have resulted in international structures with broadly similar attributes' (Daniel H. Nexon, *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires, and International Change* (Princeton, N.J.: Princeton University Press, 2009), p. 275). In Teschke's view, Westphalia marked merely 'the recognition and regulation of the international—or, to be more precise, inter-dynastic—relations of absolutist, dynastic polities' (Benno Teschke, *The Myth of 1648: Class, Geopolitics and the Making of Modern International Relations* (London: Verso, 2003), p. 3). In this light, Daniele Archibugi claims it was only after the Congress of Vienna (1814-1815), at the earliest, that the nation-state as sole actor of international politics emerged (Daniele Archibugi, *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy* (Princeton, N.J.: Princeton University Press, 2008), p. 97).

[3] This idea was endorsed through the United Nations General Assembly in 2005. See UN General Assembly 2005, *World Summit Outcome,* 15 September 2005, paragraphs 138-139. For a comprehensive account of the doctrine, see International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

[4] Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-first Century* (New York: Atlantic Monthly Press, 2003), p. 27.

[5] *Ibid.,* p. vii.

In Cooper's view, the situation is compounded by the fact that the third period—the European crisis in the twentieth century—shows that the opposite can also be true: chaos can likewise emerge when overly powerful states are able to mobilize their societies, particularly when other factors such as industrialization, heightened nationalism and ideology are also in play. Cooper suggests: 'In this multiple catastrophe, the single most important thing that went wrong was that technology overran political maturity.'[6] In the latter half of the century, he adds, 'it seemed as if the nuclear revolution might complete the triumph of technology over mankind; but somehow political wisdom returned and there was a pause in civilization's pursuit of self-destruction.'[7] Nevertheless, Cooper fears that the century we now face 'risks being overrun by both anarchy and technology'.[8] As he puts it: 'The two great destroyers of history may reinforce each other. And there is enough materiel left over from previous centuries in the shape of national, ideological and religious fanaticisms to provide motives for the destruction.'[9]

Cooper contends that we live now in a divided world, but one divided quite differently from the days of the Cold War or East-West confrontation. In his view, there exists today a threefold division. First, there is the 'pre-modern world'. Here Cooper is referring to the pre-state, post-imperial chaos of places like Somalia, Afghanistan and Liberia. Second, there is the 'modern world' where the state insists on its own sovereignty, retains its monopoly on law and force, and proceeds to act in its own national interest. Finally, there is the 'post-modern world' where—in Cooper's words—the state 'is prepared to redefine its sovereignty as legal rights and to accept mutual interference in internal affairs; the prime example of a post-modern community is the European Union.'[10]

Cooper argues that the post-modern world has witnessed the triumph of the individual and that foreign policy has subsequently become the continuation of domestic concerns beyond national boundaries. As he puts it: 'Individual consumption replaces collective glory as the dominant theme of national life.'[11] At the same time, the human rights of citizens—in particular, their right to life in the event of genocide—have superseded any absolute ascription of state sovereignty in the form of the emerging norm of the Responsibility to Protect. 'Thus', Cooper concludes,

> in the postmodern world, *raison d'etat* and the amorality of Machiavelli have been replaced by a moral consciousness that applies to international relations as well as to domestic affairs: hence also the renewed interest in the question of whether or not wars should be considered just.[12]

Despite Cooper's concerns (or perhaps because of them), there are great possibilities in the emergence of this 'moral consciousness'. In particular, it presents an opening for so-called idealists to challenge the hegemony of political realism in the international realm.

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[6] *Ibid.*, p. viii.

[7] *Ibid.*

[8] *Ibid.*

[9] *Ibid.*

[10] *Ibid.*, p. 174.

[11] *Ibid.*

[12] *Ibid.*, p. 31.

For realists, morality tends to be a matter of private choice and preference. Thus, as David Fisher points out: 'Inter-state relations are treated as an ethically free zone in which considerations of realpolitik and the pursuit of power dominate.'[13] But if international relations can be reconceived as moral then we will need to reflect on what kind of world we ought to build. In this paper, I will argue that the ideas of three Catholic theologians—Luigi Sturzo, Jacques Maritain and John Courtney Murray—who all wrote extensively on global governance in the past century, have much to offer with respect to our understanding of state sovereignty and global governance.[14] I will then tally their ideas with the views of a number of contemporary political theorists committed to a vision of cosmopolitan democracy. This shared vision, I will conclude, can serve as a rich starting point for continued reflection on global governance in the years to come.

Recent Catholic Reflection on State Sovereignty

First, then, let us turn to the work of Luigi Sturzo, Jacques Maritain, and John Courtney Murray regarding state sovereignty. I will begin by describing the thought of Sturzo in this regard and then turn to the relevant work of Maritain and Murray.

Luigi Sturzo, Italian priest, social reformer and founder in 1919 of what became the Christian Democratic Party, wrote extensively about global governance during the last century. Sturzo's great contribution regarding global governance is his account of the formation and development of the *idea* of an International Community.[15] He locates the roots of this idea in the Christian revelation of human equality before God and the subsequent religious duty to love one's neighbor in a way that transcends the traditional boundaries of family, clan, nation or empire that characterized the ancient world. As Struzo puts it: 'No bond of kinship, race or nation was to be respected if it drew a man away from God and infringed the rights of conscience.'[16] Of course, this 'Good News' was universal; it was 'addressed to all peoples and all classes, Jew or Gentile, Greek or Barbarian, rich or poor, master or slave.'[17] Moreover, there emerged the constitution of the Church, which was deemed 'extraneous to political or domestic institutions, autonomous and independent, founded on definite beliefs reputed as truths, indeed as

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[13] David Fisher, *War and Morality: Can War be Just in the Twenty-first Century?* (Oxford: Oxford University Press, 2011), p. 2.

[14] Here it is worth noting Daniel Philpott's thesis that the roots of modern sovereignty lie in Martin Luther's distinction in 'Doctrine of the Two Kingdoms and the Two Governments' between the 'realm of the spirit', the site of the individual believer's relationship with Christ that is animated by the Word, and the 'realm of the world', where public order is maintained through the restraint of sinful human beings. The two realms are to be kept separate, which of course entails not only a secular political realm, but also a territorial government to uphold it. As Philpott infers: '[S]overeignty, in substance if not in name, comes directly out of the very propositions of Protestant theology, in all of its variants.' (Philpott, *Revolutions in Sovereignty,* p. 108).

[15] Luigi Sturzo, *The International Community and the Right of War,* trans. Barbara Barclay Carter (New York: Howard Fertig, 1970), pp. 23-86.

[16] Sturzo, *Church and State,* trans. Barbara Barclay Carter (New York: Longmans, Green and Co., 1939), p 21.

[17] *Ibid.*

truth itself.'[18] Thus the tribal values of the pre-Christian world are inverted, and human *personality* assumes the mantle previously held by the social and ethnic bonds of that era.

Admittedly, the notion of a Christian international society is at marked variance with the facts of history. As Sturzo reminds us, a fundamental dualism of political and religious powers was the novelty introduced with Christianity, and this diarchy—as he calls it—has characterized every Christian civilization for two thousand years. Indeed, one could argue it was precisely this dualism that allowed political power to dissociate itself from religious authority over the course of the centuries and claim for itself not only autonomy, but also *absolute* autonomy over its subjects through the appropriation of its own personality. In any event, Sturzo concedes the modern state remained the central arbiter of power in the International Community up to his day.

But the state was not the only such power. In fact, the development of such bodies as the Permanent Arbitration Court, the Permanent Court of International Justice, the Pan-American Union, the British Commonwealth, and the League of Nations, reflected the evolution of a relatively new reality that Sturzo describes as the *interdependence* of states.[19] This development was premised for Sturzo on the fundamental law of Individuality-Sociality that underlies all human society: *'The more individuals increase in conscious personality, the fuller the development of their associative qualities and forces; the fuller the development of such associative forces, the more the individuals develop and deepen the elements of their personality.'*[20] Thus society crystallizes itself through a continuous process of action and reaction into a number of individual bodies, while at the same time the individual is socialized through the development of these same bodies. This variety leads Sturzo to claim that it is simply not true that political power has to be concentrated in a single body, or that such a body has to be the state.[21]

This vision does not mean that Sturzo thinks there should be no role afforded to states in the international realm. To the contrary, he claims that the state gains in stability to the extent that its power relies less on force than on law. Indeed, the achievement of 'conscious personality' on the part of the various states is a key factor for Sturzo in the progress of the International Community towards its own organization and self-consciousness. But this very progress suggests that modern states are responding through the enactment of treaties and conventions to a reality beyond themselves. This reality, moreover, amounts to an 'unwritten law', or moral force that is oriented towards the protection of individual persons, and which becomes the objective rule of social life in the form of international law.[22] The key point here is that Sturzo discerns not only a tendency that underlies the development of the international community, but also a normative thread that runs throughout the heart of human history. In short, states are—and should be—deferring in a progressive manner to the basic datum of human personality, understood as both individual and social in light of its eternally evolving relations.[23]

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[18] *Ibid.*

[19] Sturzo, *The International Community and the Right of War,* p. 65.

[20] *Ibid.,* pp. 44-45, italics in original.

[21] *Ibid.,* p. 52.

[22] *Ibid.,* pp. 74-86.

[23] *Ibid.,* p. 82.

Maritain shares with Sturzo this fundamental commitment to the dignity of the human person, the notion that history moves in a certain direction and that natural law constitutes the foundation of any genuine conception of human society. But Maritain moves beyond Sturzo to the extent that he articulates, first, an array of human rights that serve as the crucial conditions of active agency for members of any political society, and, second, an account of civic friendship—or, as Maritain would prefer, Christian brotherhood—that serves as the glue holding our commitments to such rights and the sense of justice that underlies them together.[24] Indeed, in one of his major works written during the Second World War, *Christianity and Democracy,* Maritain articulates the gospel heart of 'this ideal of common life, which we call democracy.'[25]

Of course, Maritain was aware that the realization of this ideal of universal brotherhood would require great effort on the part of humanity. Consequently, he sought to articulate a vision of global governance for the post-war era in light of his rejection of the concept of state sovereignty and understanding of the state as a set of institutions designed simply to uphold the common good—defined by the Church as 'the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment'[26]—of the body politic it serves. 'In the eyes of sound political philosophy there is no sovereignty', Maritain writes,

> that is, no natural and inalienable right to *transcendent* or *separate* supreme power in political society. Neither the Prince nor the King nor the Emperor was really sovereign, though they bore the sword and attributes of sovereignty. Nor is the State sovereign; nor are even the people sovereign. God alone is sovereign.[27]

But this theoretical rejection of sovereignty also reflected the *actual fact* that by the mid-twentieth century the international community alone enjoyed the capacity to become—in Aristotelian terminology—a self-sufficient or perfect society.

Maritain's subsequent vision of global governance is couched in terms of a distinction between a *merely governmental* theory of world organization that would reduce global governance to the *sole and exclusive* consideration of the *state and government* and a *fully political* theory that envisages the matter under the universal or integral consideration of the *body politic* or *political society.* Thus he envisages a 'pluralist unity' of the international body politic that incorporates not only the international and supranational institutions that would be required by a world government or authority, but also the particular political communities of the world with all their customs and institutions.[28]

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[24] See Jacques Maritain, *The Rights of Man and Natural Law* (New York: Charles Scribner's Sons, 1943).

[25] Jacques Maritain, *Christianity and Democracy* (New York: Charles Scribner's Sons, 1944), p. 27.

[26] Pope Paul VI, '*Gaudium et Spes*: The Pastoral Constitution on the Church in the Modern World', in *Catholic Social Thought: the Documentary Heritage*, edited by David J. O'Brien and Thomas A. Shannon (Maryknoll, N.Y.: Orbis Books, 1992), no. 26, p. 181.

[27] Jacques Maritain, *Man and the State* (Washington, D.C.: The Catholic University of America Press, 1998), p. 24.

[28] *Ibid.,* pp. 201-216.

In a similar manner to Sturzo and Maritain, Murray argues that an international community has emerged historically as a natural society (a society that exists by the law of man's social nature), with its own proper good. In Murray's view: 'The law of nature therefore demands that this society be organized in a properly human way for the prosecution of its common good.'[29] This good is achieved when the order of justice inherent in the very constitution of international society is secured through juridical institutions that guarantee the protection of rights and the performance of duties—if necessary, under the threat of coercive force.

Murray retains the nomenclature of state sovereignty—unlike Sturzo and Maritain—though he recasts the exercise of sovereignty as the freely accepted obligation to make the family of nations a good family.[30] Murray's notion of state sovereignty is not designed to eradicate the state as an important entity in international affairs. To the contrary, he envisions the state as representing the natural sociability of a particular people and, therefore, like his predecessors, as an integral unit of the international community. But he is adamant that the latter be *truly* organized, that is, juridically organized in a manner that controls national sovereignties in order to protect the juridical order and vindicate it in case of violence.[31]

The Cosmopolitan Democrats

The political theorists whom I labeled as cosmopolitan democrats at the beginning of the paper—I have in mind such thinkers as Daniele Archibugi, Allen Buchanan, Simon Caney, David Held, and Thomas Pogge—are, broadly speaking, a group of scholars who acknowledge the increased scope of international law in light of today's broad commitment to certain universal standards of morality pertaining to human rights and democracy yet worry about the lack of institutional structures to enforce it in a legitimate manner. In particular, these theorists lament a democratic deficit at the global level that they trace in large part to the continued delegation of governance to states at a time of wide-scale globalization.[32]

But how should globalization be confronted? How should the longstanding notion of state sovereignty be replaced? In Archibugi's view, 'sovereignty should be replaced, both within and between states, by constitutionalism, thereby subjecting every institution to rules, checks, and balances.'[33] This suggestion reflects Pogge's proposal of a vertical dispersion of sovereignty and Held's call for both the centralization and

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[29] John Courtney Murray, S.J., 'The Juridical Organization of the International Community', in *Bridging the Sacred and the Secular,* edited by J. Leon Hooper, S.J. (Washington, D.C.: Georgetown University Press, 1994), pp. 28-41, at p. 34.

[30] *Ibid.*, p. 38.

[31] *Ibid.*, pp. 31-32.

[32] See, for example, Daniele Archibugi, *The Global Commonwealth of Citizens*; Allen Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations of International Law* (New York: Oxford University Press, 2004); Simon Caney, *Justice Beyond Borders: A Global Political Theory* (New York: Oxford University Press, 2005); David Held, 'Law of States, Law of Peoples: Three Models of Sovereignty', *Legal Theory* 8:1 (2002), pp. 1-44; Thomas W. Pogge, 'Cosmopolitanism and Sovereignty', *Ethics* 103:1 (1992), pp. 48-75.

[33] Archibugi, *The Global Commonwealth of Citizens,* p. 98.

decentralization of political power.[34] 'If decision-making is decentralized as much as possible', Held explains,

> it maximizes the opportunity of each person to influence the social conditions that shape his or her life. But if the decisions at issue are translocal, transnational, or transregional, then political institutions need not only to be locally based but also to have a wider scope and framework of operation.[35]

For this reason, cosmopolitan democrats call for different levels of global governance—in Archibugi's case, local, state, interstate, regional, and global—in order to enhance democracy as a way of managing global affairs. Archibugi not only cites empirical data supporting the benefits of democracy—less exposure of citizens to violence and conflict, greater protection of their rights, less risk of famine, plus economic indicators—but also argues that democracy needs to be developed at the interstate level in order to enhance its effects at the state level, rather than the other way round as is commonly thought, since democratic states have too often failed to translate their internal ideals into external behavior.

As Caney points out, 'what is being envisioned is a political order in which the units may lack the properties of sovereign statehood like *comprehensiveness* and *supremacy*.'[36] Indeed, there may be no one political institution that has final authority. 'This is often said to be a problem', Caney writes, 'but from an instrumental cosmopolitan perspective, it is an advantage since it prevents the centralization of coercive power. It forces people and different institutions to negotiate and cooperate with each other.'[37] As Archibugi points out:

> The idea that global conflicts can be resolved by means of constitutional and legal procedures rather than by force is based on the conviction that rules may be enforced even in the absence of an ultimate power of coercion. The cosmopolitan democracy project is thus seen to be much more ambitious—to transform international politics from a domain of antagonism to one of agonism.[38]

Archibugi recognizes that the modern state remains the central political unit of international life. 'In order to participate in world political life', he writes, 'each individual is obliged to become a member of a state, and each community must contrive to speak with a single voice, that of a monocratic government.'[39] But the result of this situation is that the world is run by a small band of actors that amounts to 'a directorate, giving rise to what may be defined as an intergovernmental oligarchy.'[40] For Archibugi, then, citizens of the world have to be able to participate in global choices through new institutions akin to and yet autonomous from those existing within states.

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[34] Pogge, 'Cosmopolitanism and Sovereignty', p. 62; and Held, 'Law of States, Law of Peoples', p. 23.

[35] Held, 'Law of States, Law of Peoples', p. 28.

[36] Caney, *Justice Beyond Borders: A Global Political Theory,* p. 163.

[37] *Ibid.*

[38] Archibugi, *The Global Commonwealth of Citizens,* p. 99.

[39] *Ibid.,* p. 5.

[40] *Ibid.*

One such institution might be a world parliamentary assembly, which, for Archibugi, 'would be the visible and tangible demonstration of the institutionalization of a global commonwealth of citizens.'[41] Such a body would address the gap between the fact that citizens of the world increasingly participate in global processes and the legal rules that still link rights and duties to territorial states. It is for this reason that Buchanan attempts to ground international law on justice as opposed to the consent of states.[42] For Archibugi, world citizenship of this kind 'opens up the way to a global commonwealth of citizens, which could take thicker forms for certain groups of persons in conditions of extreme need.'[43] Here Archibugi has in mind displaced persons. He points out:

> Groups of persons deprived of their national citizenship rights could find protection in a more comprehensive world citizenship in which the institutions in charge perform several administrative functions such as the issue of passports, hitherto the exclusive competence of the states.[44]

The Confluence of Catholic Reflection on State Sovereignty and the Cosmopolitan Democrats

We have seen that Sturzo conceives political power as ideally distributed and differentiated in a multiplicity of organs that include the state but are not reduced to it. He admits the modern state has enjoyed an ascendant role in the international realm, but argues that this realm is in the process of evolving towards greater interdependence and co-operation as a result of the treaties, conventions, and league systems of the nineteenth and early twentieth centuries. Consequently, it is no longer possible to speak of state sovereignty in the international context. In Sturzo view:

> It must be recognized that every public power is morally, legally, and politically limited by the nature of human personality and by man's social relationships. Thus one can say that the anti-human myth of the sovereignty of the King or People is to-day wholly, or nearly wholly, of the past.[45]

Put differently, the true fount of international law is neither the state nor the International Community but human personality itself.[46]

Maritain's vision tallies with Sturzo to the extent that his notion of world political authority is a World State, which

> will have to enjoy, within strict limits and the well-balanced modalities proper to such a completely new creation of human reason, the powers naturally required by a perfect

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[41] *Ibid.*, p. 173.

[42] Buchanan, *Justice, Legitimacy, and Self-Determination,* pp. 304-305.

[43] Archibugi, *The Global Commonwealth of Citizens,* p. 118.

[44] *Ibid.*

[45] Sturzo, *The International Community and the Right of War,* p. 79.

[46] *Ibid.*, p. 82.

society: legislative power, executive power, judicial power, with the coercive power necessary to enforce the law.[47]

Thus he is careful to present a *fully political* theory of world organization in light of these 'strict limits' and 'well balanced modalities' as opposed to a *merely governmental* one. As he points out, a *merely governmental* theory would replicate at the global level the way in which the ambition to become a sovereign person was transferred from the Emperor and Kings of mediaeval Europe to the modern States; in effect, it would simply transfer that same ambition to a World Superstate. A *fully political* theory, in contrast, comprises a *pluralist unity* of various political bodies held together by the foundation of a world political society. It is a theory that both includes states and recognizes their lack of self-sufficiency.

Murray's vision, in turn, tallies with both Sturzo and Maritain to the extent that he retains a role for authoritative institutions that can mediate between the individual and any putative global authority. Such institutions—or bodies—will include nation states, which are important for Murray since they reflect the aspirations of, interest, and needs of certain groups. But these institutions will be limited by their accountability to the standards of positive international law. This commitment on the part of the Catholic thinkers to a limitation of political power in the face of international law—itself grounded in the moral dignity of the human person and his or her subsequent rights—suggests a profound affinity between all three of them and the cosmopolitan democrats as described above. For it reflects the central premise shared by the cosmopolitan democrats that states are no longer able to claim the deep legal and moral significance that their boundaries previously implied during the so-called Westphalian era. One central trait of the contemporary world is that states are now judged according to the general, if not universal, standards constituted by international law. As Buchanan argues, these are the standards of basic human rights and justice for all persons.[48]

As the cosmopolitan democrats have argued, the relatively recent regime of liberal international sovereignty entrenches powers and constraints, rights and duties, in a system of international law, which is administered by states yet goes beyond the 'Westphalian' conception of state authority. Thus the regime comes into conflict, and occasionally contradiction, with national laws. 'Within this framework', Held writes, 'states may forfeit claims to sovereignty if they violate the standards and values embedded in the liberal international order; and such violations no longer become a matter of morality alone.'[49] These changes amount to transformative developments that have altered the form and content of politics across the globe. As Held attests: 'They signify the enlarging normative reach, extending scope, and growing institutionalization of international laws and practices—the beginning of a 'universal constitutional order' in which the state is no longer the only layer of legal competence to which people have transferred public powers.'[50] In this respect, we can discern a similarity between Murray's commitment to an order of justice inherent in the very constitution of international society, Archibugi's call for a constitutional order that provides checks and

[47] Maritain, *Man and the State,* p. 199.
[48] See Buchanan, *Justice, Legitimacy, and Self-Determination.*
[49] Held, 'Law of States, Law of Peoples', p. 13.
[50] *Ibid.*

balances to the various institutions and bodies—including states—in the contemporary international realm, and Buchanan's attempt to legitimate such an order by an appeal to justice that protects the basic human rights of all persons.

Of course, the cosmopolitan democrats are committed neither to Sturzo's notion of a deeper social law underlying international law nor to Murray's broader notion of a natural law underpinning international society. Buchanan, for instance, argues against the view that states should, or at least may, exclusively pursue the national interest in their foreign policies on the basis of his commitment to human rights. 'Because we have a limited moral obligation to help ensure that all persons have access to rights-protecting institutions', he argues, 'we cannot regard our state simply as an institutional resource for pursuing our own interests.'[51] But Murray is similarly committed to justice and human rights, secured through a constitutional order, as the end of international society.[52] Thus Buchanan and Archibugi confirm Murray's resistance to a theory of international relations premised on the national interest in more ways than one.

More specifically, the fact that none of the three Catholic writers ascribes absolute authority to the bodies, communities, or states of the international realm renders the latter similar to Caney's units of an idealized political order, which for the cosmopolitan democrats lack sovereignty in any comprehensive or supreme sense. Like their Catholic brethren, the cosmopolitan democrats want to jettison the traditional notion of state sovereignty in order to accommodate the myriad units of political and economic life that exist in the world today along with the claims of the individual persons that comprise them. Finally, the value underpinning these commitments is likewise one that is shared: it is a belief in the fundamental dignity of human personality considered at a time when the democratic ethos that has upheld this dignity is increasingly threatened.

In light of these considerations, Maritain's notion of a World State may have less in common with such an institution as it is commonly conceived—in effect, as the sovereign apex of a *merely governmental* theory of world organization—than with the notion of a world parliament as envisaged by Archibugi. More than this: both Maritain's view of a World State and Archibugi's view of a world parliament might be described as reflecting Pope Benedict's recent insistence on the 'urgent need of a true world political authority.'[53] Benedict describes the goals of this authority as being to manage the global economy, to bring about disarmament, food security, and peace, and to guarantee environmental protection and migration. Moreover, he claims such an authority would need to be regulated by law, to observe the principles of subsidiarity and solidarity, to work towards the establishment of the common good, and to make a commitment regarding authentic integral human development inspired by the values of charity in truth. Furthermore, it would need to be universally recognized and to be vested with an effective power to ensure security for all, regard for justice, and respect for rights.

The clue for a confluence here between Maritain, Archibugi and Benedict lies in the latter's reference to the principle of subsidiarity, which is designed to help members of the body politic rather than absorb them. This principle has deep roots in the Catholic tradition as set forth by Pope Pius XI in his encyclical, *Quadragesimo Anno* (1931):

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[51] Buchanan, *Justice, Legitimacy, and Self-Determination,* p. 102.

[52] Murray, 'The Juridical Organization of the International Community', p. 38.

[53] Pope Benedict XVI, *Charity in Truth (Caritas in Veritate)* (Washington, D.C.: United Conference of Catholic Bishops, 2009), no. 67.

> It is a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry. So, too, it is an injustice and at the same a grave evil and a disturbance of right order, to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies. Inasmuch as every social activity should, by its very nature, prove a help to members of the body social, it should never destroy or absorb them.[54]

These words recall Held's account of cosmopolitanism, a key component of which is the principle of inclusiveness and subsidiarity. In Held's view:

> The principle of inclusiveness and subsidiarity seeks to clarify the fundamental criterion for drawing proper boundaries around those who should be involved in particular domains, those who should be accountable to a particular group of people, and why. At its simplest, it states that those significantly (i.e., nontrivially) affected by public decisions, issues, or processes should, *ceteris paribus,* have an equal opportunity, directly or indirectly through elected delegates or representatives, to influence and shape them.[55]

In other words, citizens who are affected by public decisions should have a say in their making. 'Accordingly', Held writes, 'democracy is best located when it is closest to and involves those whose life chances and opportunities are determined by significant social processes and forces.'[56] Such sentiments not only help to illuminate Benedict's intent when he insists on the urgent need of a true world political authority, but also suggest the confluence of cosmopolitan and Catholic conceptions of state sovereignty. Indeed, it is the moral centrality of the human person as global citizen rather than the supreme authority of the supposedly sovereign state that serves as the foundation for both Catholic and cosmopolitan thinkers.

Finally, let us not forget that the challenge to state sovereignty — and, indeed, the notion of global governance — is not without its critics. Here I will address two principal areas of concern: first, the way in which the cosmopolitan democracy project and its commitment to global democracy suffers from a vicious circularity; and, second, the question of the legitimacy of global governance institutions.

Regarding the concern with circularity, Chris Brown argues: 'a sense that the world constitutes a community is required before a global democracy could be effective, yet such a sense is unlikely to emerge in the absence of some kind of global democracy.'[57] Now the Catholic Church as an institution represents a global community operating within the realm of civil society.[58] Consequently, the Church might not only play a role that fosters this sense of worldwide community, provided its members are convinced they are called to play such a role, but also complement the cosmopolitan democracy

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[54] Pope Pius XI, *Quadragesimo Anno,* in *Catholic Social Thought: The Documentary Heritage*, edited by David J. O'Brien and Thomas A. Shannon (Maryknoll, N.Y.: Orbis Books, 1992), no. 79, p. 60.

[55] Held, 'Law of States, Law of Peoples', p. 28.

[56] *Ibid.*

[57] Chris Brown, *Sovereignty, Rights, and Justice* (Cambridge: Polity Press, 2002), p. 246.

[58] By 'civil society', I mean that realm between individual persons and the state, in which voluntary associations are able not only to debate current issues, but also serve as mediators between citizens and government on matters pertaining to the common good.

project in this regard. Such a calling emerges most fully in the ideal of human brotherhood—expressed more modestly as civic friendship—to which Maritain appeals when envisioning the future of democracy at the midpoint of the twentieth century. But it is also a theme in Sturzo's work—I referred earlier to his understanding of Christian Revelation as human equality before God—and for Murray, who grappled throughout his life with the tribalism of the American Catholic community.[59]

Regarding the legitimacy of global institutions, both the Catholic tradition and the cosmopolitan democrats share a commitment to the primacy of law over force as a means of ensuring the morally just end of human society. We have seen in all three Catholic writers a firm commitment to the significance of law: Sturzo describes the developments in international law during the nineteenth and early twentieth centuries as the harbinger of the movement away from the sovereign states system and toward their interdependence that he witnesses in his own day; for this reason, he believed that international law reflected a deeper 'social' law—the law of 'Individuality—Sociality'—that modern states ignore at their peril; Maritain includes law as an integral part along with justice and human rights of any genuinely humanistic society; and Murray calls for the juridical organization of international society as an institution integrally constituted by nature itself.

There is a similar commitment to law in the writings of the cosmopolitan democrats. But there is also a sense of the disregard for international law that persists even on the part of the more democratic states. 'For this reason', Archibugi writes, 'although I agree with those desirous of strengthening the rule of law, as far as both its legislative and its judicial components are concerned, it seems necessary to base the rule of law also on an enhanced political legitimacy.'[60] In other words: 'Only if the legitimacy of the rules is enhanced will it be possible to ensure that the depositaries of force will "voluntarily" obey them.'[61] Part of the answer here lies in the reform of intergovernmental organizations such as the United Nations General Assembly and the International Court of Justice. In Archibugi's view, however, only direct participation by citizens in world political life will genuinely increase the legitimacy of the rules. 'The judicial organs themselves, unless incorporated into a democratic order' he contends, 'can be turned into a new juridical oligarchy or worse and may act solely when their action is in harmony with the will of the more powerful states.'[62]

This latter possibility is a reminder of why the insights of not only the cosmopolitan democrats, but also the Catholic tradition on the matter of state sovereignty are vitally important. The two schools, I contend, thus serve as a highly suitable starting point for any contemporary reflection on the future of global governance.

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[59] See Murray, 'Challenges Confronting the American Catholic', *The Catholic Mind,* May-June (1959), pp. 196-200, and 'The Return to Tribalism', *The Catholic Mind,* January (1962), pp. 5-12.
[60] Archibugi, *The Global Commonwealth of Citizens,* p. 146.
[61] *Ibid.*
[62] *Ibid.*

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